THE REAL EICHMANN TRIAL

or

THE INCORRIGIBLE VICTORS

by PAUL RASSINIER

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Translated from the original French

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FOREWORD

A confirmed total pacifist, Paul Rassinier was drawn into the Communist Party in 1922 at the age of 16, by the anarchist Victor Serge. Having very quickly turned against it, he was expelled from the Party. After various attempts at unifying the workers' movement along the political lines of Souvarine, and the trade union projects of Pierre Monatte, he joined the Socialist Party on the evening of February 6th, 1934. As Secretary of the Union of Belfort, he leaned first towards Marceau Pivert, then towards Paul Faure, and attempted to popularise in Franche-Comté the pacifist viewpoints of Félicien Challaya, René Gérin, Madeleine Vernet and Louis Lacoin. In 1939 he was saved from Daladierist fury by Paul Faure.

As one of the founders of the "Libré-Nord"* movement (he was in the Resistance from the very start) he tried to inculcate into his comrades the idea of non-violence and the principles of total pacifism. This attitude caused him to be condemned to death by the Communist resistance; after receiving the warning coffin effigy, he only escaped pistol shots thanks to being arrested by the Gestapo (October 30th, 1943). He was deported to Buchenwald, then to Dora. On his return to France, invalided out and decorated with the Médaille de la Résistance, and Reconnaissance Française, he resumed his place at the head of the S.F.I.O. union in Belfort. He loudly proclaimed that whilst in the Resistance he had never met most of the men now speaking in its name and, firm in his own personal experience, he attacked their pretentions of having suppressed "collaboration". Rassinier was defeated in the first Constituent Assembly elections by the Communists, who kept him out by giving their votes to the far Left candidate, but he was elected at the second. He was again defeated on November 10th, 1946 through the Communists' using the same method. The state of his health did not permit his resumption of his post as professor of history and geography so he retired from public and professional life and published successively:

Le Passage de la Ligne, 1948
Le Mensonge d'Ulysse, 1950
La Discours de la Dernière Chance (introductory essay to a doctrine of Peace on the theme: "Neither Moscow nor Washington"), 1953
Candasse ou la huitième péché capital, 1955
Le Parlement aux mains des banques, also 1955
Ulysse trahi par les siens, which is complementary to *Mensonge d'Ulysse*, 1960
L'Equivoque révolutionnaire, 1961
Le Véritable Procès Eichmann ou Les Vainqueurs incorrigibles, 1962

* Stands for Liberation

By the same author:

Passage de la ligne, (Editions Bressanes, 1948) out of print.
Le mensonge d'Ulysse (Editions Bressanes, 1950) out of print.
Le discours de la dernière chance (Editions de la Voix de la Paix, 1953) Introduction to a doctrine of peace.
La Fin du règne de la peur (Editions de la Voix de la Paix, 1963).
Une 3ème guerre mondiale pour du petrole? (Editions de la Voix de la Paix, 1963)
Le Parlement aux mains des banques (Contre-Courant, 1955)
Candasse ou la huitième péché capital (L'Amitie par le Livre, 1955)
Ulysse trahi par les siens (Librairie Française, 1961)
Le mensonge d'Ulysse (Librairie Française, 5th ed., 1961)
L'Equivoque révolutionnaire (Défense de l'Homme, 1962)
La véritable procès Eichmann, ou *Les Vainqueurs incorrigibles* (Sept Couleurs, 1962)

Translated abroad, in German and Spanish
Le mensonge d'Ulysse, 1960
Ulysse trahi par les siens, 1961
Le véritable procès Eichmann, ou *Les Vainqueurs incorrigibles*, 1963

The present volume in English is a revision and completion of these three works.

In preparation:
Partis et politiciens devant la guerre
Le Troisième testament. History of the State of Israel.

INTRODUCTION

1867. European statesmen are trying to see Europe in terms of nationalities well defined by natural frontiers. On the other hand, the socialist movement (the Internationale) is ideologically committed to breaking down national barriers. Similarly the merchants value commercial contacts over and above the frontiers, natural or not.

The merchants are the more practical. In striving towards their industrial and social objectives peoples cannot fail to learn to understand and respect each other. Statesmen encourage them in order to extend their influence, whilst the intellectuals do it on principle. Since 1850 the method of contact has been the universal exposition*: in 1851 in London, in 1855 in Paris, in 1862 again in London.

In 1867 the venue reverted to Paris. In order that the foreign visitors could see something other than the exhibits assembled in the enclosure set up on the Champs de Mars, with an annexe on the island of Billancourt, in other words that it might be possible for them to make a far broader contact with France through the intermediary of Paris, the organisers of the exposition published a catalogue of all that there was to see, or at least all that they wished to be seen: *Paris-Guide.* The task of writing the preface for that kind of inventory of the riches of Paris was awarded to Victor Hugo. Here is the passage of that preface which summarised the them on which he wrote it:

"In the twentieth century there will be an extraordinary nation. This nation will be large, but that will not keep it from being a free nation. It will be illustrious, rich, thinking, peaceful, cordial to the rest of humanity. It will have the gentle seriousness of an elder sister (. . .). A battle between Italians and Germans, between Englishmen and Russians, between Prussians and Frenchmen will seem to it as a battle between Picards and Burgundians might appear to us. It will consider the waste of human blood as useless. Only with reservations will it approve an admiration for the war dead. The shrug of the shoulders that we give to the Inquisition it will give to war. It will look at the battlefield of Sadowa with the air with which we regard the Quemadero of Seville. It will regard as stupid the oscillation between victories, invariably ending in a dismal readjustment of the balance — Austerlitz always paid for by Waterloo. It will have about the same respect for authority that we have for orthodoxy; a court case will seem to it as a heresy trial seems to us and it will no more understand Béranger in a cell than Galileo in prison . . .

* In reality the idea came from earlier times; the first manifestation of this kind, although more modest because of its purely European character, took place in Prague in 1781. But, although it was followed by several others of the same nature organised in Paris under the First Empire, the Restoration and the reign of Louis-Philippe, the Napoleonic wars and their consequences resulted in a lack of universal appeal until 1851, in London.

"A common language, common currency, unity of measure, unity of meridian, unity of law; the highest degree of free enterprise and incalculable profit, resulting in the abolition of parasitism; no more arms races, the gigantic expense of defence eliminated, the four billions which the permanent armies cost at the present left in the pockets of the citizens, the four million young conscripts re-assigned to commerce, agriculture and industry; everywhere the iron of the sword and chain reforged in the form of the plough; peace, the goddess with eight breasts, majestically seated in the midst of men . . .

"Instead of war, emulation. The rise of intelligence towards the dawn. Impatience for well-being reproving mistakes and fears. Every other anger disappeared. A people prodding the bowels of the night and extracting an immense clarity for the profit of humankind. That is what that nation will be.

"And that nation will be called Europe."

The fact that the twentieth century in question, now in its second half, does feel itself threatened with the prospect of ending up in the middle of a Slavic Europe, or a Sovietised Europe, says enough of Victor Hugo's posthumous predictions, not to labour the point. The only thing necessary to comment upon concerning the great hope thus formulated is its intention and the manner of its expression. Especially the manner of its expression: the nationalities, the natural frontiers, German unity, Italian unity, etc. . . . If one had pointed out to him that he did not make mention of these, I imagine that Hugo would have answered with the same shrug of the shoulders as if he had been asked to pronounce a definitive solution to the problem of the Guelphs and the Ghibelines, the Armagnacs and the Burgundians (Picards and Burgundians, as he says), of Richelieu and the House of Austria, of the Hundred Years War, or for all I know, the crowning of Clovis.

Well! Nationalities, natural frontiers, etc. . . . that was again for Europe to try to find herself on an intellectual level which, compared with today, might seem relatively elevated. I do not wish to speak here of either statesmen, who only conceive of Europe as cut in two, or of merchants whose only concern seems to be a multiplicity of frontiers because by means of import and export licences a black market in gold is permitted as well as other devices as profitable as they are numerous. In modern nations the statesmen and the merchants are not, or are no longer, the élite. What of the intellectuals?

If, now that the war of 1939—1945 is ended, the intellectuals have begun to exalt Europe again, they do so only by systematically citing the reasons for not doing so, specifically: the German crimes, the German concentration camps, an infinity of Oradours, Prussian militarism etc. Recently they have tried to mobilise world opinion concerning the behaviour during the war of a simple German lieutenant-colonel — Adolf Eichmann: eternal Germany, that black sheep from which all evil comes, and with

which no association is possible except by keeping it on its knees or stretched out with a knife to its throat.

It is certain that public discussion, if kept on the low level of such archaic ideas and in such flagrant contradiction of reality, can only prolong the old quarrels, not settle them, and that Europe has no chance to take stock of itself. To be otherwise it would be necessary to conceive of a Europe not only *without*, but also *against* Germany.

More important than anything, and this is a serious point, is the fact that the intellectuals of 1962 do not see:

On the one hand, that the Germans could easily reply with Dresden, Leipzig, Hamburg (tragic counterparts of Oradours); French militarism (or Russian); Algerian concentration camps (which the International Red Cross established to be no better than their own); or Russian camps, which have been found to be far worse than the German camps by Margareth Buber-Neuman, who was in both. Navareno Scavioli, an Italian Communist refugee in Moscow in 1925, who knew the camps from 1937—1954, has given us (in the Rome magazine *Vita*, November 23rd, 1961) a picture which surpasses in horror everything that has been written by the escapees from German camps — even by those who have embroidered their tale the most.

On the other hand they do not see that there is not, nor ever can be, a war without concentration camps, without Oradours and without obedient and zealous lieutenant-colonels of the Eichmann type — *on both sides.*

Finally, in determining responsibility for the war of 1939—1945, the intellectuals overlook the consequences of the aberrant Treaty of Versailles which places the first and heaviest responsibility on those who made that Treaty.

Immediately after the first World War these were still indisputable truths for the majority of intellectuals. Among those who classified themselves on the Left and who made up the literary or personal associations of my ardent and enthusiastic youth, were: Harry Elmer Barnes, Sydney B. Fay, Fréderik Bausman, Hermann Hesse, spiritual heir to Bertha von Suttner, Romain Rolland, Alain, Mathias Morhardt, Victor-Marguerite, Anatole France, Félicien Challaye, Jean Giono, Georges Démartial, René Gérin, Barthelemy de Ligt, Lucien Roth, the Alexandres, Georges Michon etc. Nobody has succeeded in selling them the idea of any unilateral character of horrors and responsibilities for the war. They put everything under the microscope and were very hard on the men of Versailles, who were supported by a few aged intellectuals, worn out or fossilised, and belonging to a Right which no longer followed them. They created a *Société d'études documentaires et critiques sur la guerre** of which Mathias Morhardt was the president, and in France their works were published in the *Librairie du Travail* by the militants of anarcho-syndicalism of which the *Révolution prolétarienne* was and still

is the medium of expression.

In 1945 when hostilites terminated, of the very few people at that moment thinking it necessary to sift out the horrors and responsibilities for the second World War, it is remarkable that they were all Right-wing and that their attitude was founded on the very principles in whose name the intellectuals of the Left had repudiated Versailles twenty-five years earlier. As for the intellectuals of the Left, the overwhelming majority approved and exhalted Nuremberg in the name of principles with whose reactionary character, at the time of Versailles, they had reproached those on the Right who made them their own, and the phenomenon is no less remarkable. There is a curious kind of shifting of position here in the matter of principles, and it is just in this shifting that my personal drama took place.

Although politically involved, I remained committed to the basic tenets of history. The Left was my spiritual family. I had found intellectual comfort in a socialism which was above all a humanism, nourished on a hope based on an interpretation of historical facts which attempted to achieve objectivity through honesty. At the moment when (I don't know what devil possessed them) the intellectuals of the Left, confronted by the war and then by the Resistance, fell back upon the political positions of that Déroulède kind of nationalism which even the most extreme of those on the Right had long since repudiated, I suffered as much as if my own family had become guilty of some collective felony. Was it a panic reaction on the part of the Leftist intellectuals in the face of danger, or was it deliberate repudiation? Hope springing eternal, I opted for the former explanation. The danger was removed — at the price their attitude had forced *us* to pay, that is, the war — and now, after the war, the hour had come for the settlement of accounts. I discovered that, far from returning to their traditions and principles, they were thinking only of how they could justify the untenable political position they had assumed during the conflict with insupportable theses, and to this end did not hesitate to pervert historical facts even to the extent of the solicitation, falsification, misinterpretation and invention of documents. I knew then that I had hoped against hope and that theirs had been a deliberate repudiation. At the same time I knew that neither my political and philosophical convictions, nor my concern for historical truth and my honesty would allow me to ever associate myself with that disavowal, nor to allow myself to be suspected of it.

Once again this decision presented delicate problems. The intellectuals' lack of scruples was as complete in other realms of thought as in that of history. Through the medium of propaganda, a general intellectual breakdown had infected all classes of society

* Society for documentary and critical studies on the war.

and now was threatening everything — a moral prostration, forerunner of the collapse of society (at least of European society) after an apocalyptic war: the dark prospect of a chaos no less apocalyptic. It was obvious, therefore, that the pressing job to be undertaken required an immeasurable effort. Everything had to be started again from scratch and since the University could not be counted on, itself a victim of subversion, it was necessary to address the masses directly, sorely tried as they were by events that they had not understood (and which were still so fresh in the mind as to be festering) and saturated with slogans aimed solely at stirring up their lowest instincts, particularly resentment, hatred and the need for vengeance.

Fortunately the zero mark was well defined. Buried under mountains of sophistry was that need for truth (where the concerns of the historian meet those of the moralist) which, even under the worst circumstances, all normally constituted men always feel sooner or later. There lay the only hope, and that hope directed the first step: attack this mountain at its foot, take the facts one by one, study their substance in order to replace them correctly in their historical context.

It was an interminable labour. Disregarding the urgency it finally ended up as a general study of the Second World War. But we were only in 1948 and such a study was not possible, no doubt because of lack of perspective, but especially because of the result of that — the paucity of documents made public, after having been carefully rewritten. Even those made public one could not consult directly without special privilege, that is, knowing the password. It should be recognised that the archives of the Third Reich, seized in 1945, amounting to hundreds of tons of documents, were carefully kept out of sight during the whole term of the thirteen Nuremberg trials. And during the trials only those who were willing to become auxiliaries of the prosecution before public opinion were allowed access to the documents. In an effort to avoid leaks even that access was restricted to those documents which the prosecution lawyer decided presented no threat to his addresses to the Court. When the trials were over, this enormous mass of papers was transported to America and put under lock and key in a huge military warehouse in Alexandria, Virginia, where it lay in dust until 1955. At that time, before handing the documents back to Germany, the American government authorised a very small, carefully selected group of scholars and researchers to make an inventory and select certain documents to be photographed. Today the mass of documents lies in the dust in Bonn where, under the law of fifty years' obligatory secrecy, specialists will not have free access to them for another thirty-two years, that is, about 1995. Moreover, they will have to be classified before they can be made available, which task will no doubt take a number of years thus pushing the date even farther along. Until then, historians will have to content themselves with

the 30,000 documents (it might as well be nothing) which were used by the prosecution at Nuremberg, a few of which the attorneys for the defence succeeded in procuring through the wiles of an Indian and which are deposited in an official dossier of 67 large-size volumes of about a thousand pages each.

These 30,000 documents in 67 volumes have been made public — but great heavens! what a form and what a state they are in! — in successive instalments, on the following dates:

1. *Nazi Conspiracy and Aggression* (red series): 10 vols. in English, publ. in 1947 by the Gov. Printing Office at Washington, under the direction of Ch. Horsky, W. Jackson and others.

2. *Report of the discussions and decisions of the trials of the Major War Criminals, which took place at Nuremberg in 1945—46* (blue series): 42 vols. in 4 langs. (French, English, German and Russian) publ. at Nuremberg *itself* in 1948.

3. *Trials of the War Criminals Before the Nuremberg Military Tribunals* (green series): 15 vols. in English, which give a report of the discussions and the verdict of the twelve succeeding trials at Nuremberg, publ. 1950 by the Gov. Printing Office in Washington, under the direction of the Control Council Law No. 10, with the assistance of Drexel A. Sprecher and others.

Because the ex-Allied governments only publish their own archives in driblets, and then only to the extent to which they show the Allies in a favourable light; and because, on the other hand, one cannot pass judgement on the value of the memoirs of the principal actors in the drama without being able to confront them with all the documents relative to the events of which they treat — probably not until about the year 2000 — all the general studies published on the Second World War are bound to be very vulnerable. That is also true of those which were pretentiously issued in 1948.

To provoke a discussion on the actual principle of the Nuremberg trials was unthinkable. I did attempt to do so in 1946, within the bosom of the Socialist Party of which I was a representative in Parliament, succeeding only in bringing down upon myself unanimous indignation.

In 1948, therefore, the only thing a historian could do was to turn to partial studies, limited to the documents and testimonies then made public. In order to be effective he had first to turn his attention to those documents and testimonies which had reference to events concerning which public opinion had been conditioned by official propaganda. Without any doubt the event above all others which best answered that condition was the phenomenon of the concentration camp, which had taken precedence over all others during the preceding three years, thanks to the abundance of eyewitness literature and the invariable return of all public debate on policy with regard to Germany, as defined at Nuremberg, to the subject as though to a *leitmotif* and in search of justification. It so happened that I had the notable advantage of

being able to speak as a witness since I, too, had lived through it. It was, therefore, impossible to resist the temptation to set things right and so it was that *le Mensonge d'Ulysse* was my first act of fidelity to the principles of the world of the Left of 1919. After an interval of ten years, in an effort to end the bitter controversy which it had stirred in Europe and which had lasted all that time, *Ulysse trahi par les siens* was my second act. It had barely appeared when Eichmann was kidnapped in Argentina by the Israeli Secret Service in the most complete and brazen contempt of International Law. The controversy was resumed more vigorously than ever and it gave me the long-awaited opportunity to make a collective study of all the horrors of the 1939—45 war. I had the opportunity, at the same time, to set them in their historical context, this context being best defined by a parallel drawn between the thirteen trials of Nuremberg (without, of course, overlooking the fourteenth which took place in Jerusalem), the Treaty of Versailles and the uncovering of the basic causes for the first time. *Le Véritable Procès Eichmann ou les Vainqueurs incorrigibles** was then my third act.

To submit to American opinion all at once and in a definitive form (i.e. documented, since nothing in history is definitive unless documented) a sum of nonconformist truths of such importance that European opinion had not been able to grasp them except in steps and homoeopathic doses — and then only at favourable moments — is an idea for which I am indebted to one of those rare persons (survivors) faithful to himself and to those who, immediately after the First World War, did not accept the declaration of Germany's unilateral responsibility. In this respect Harry Elmer Barnes was a not inconsiderable leader to the student youth of which I was then a part. To him I must here give public homage, not only for that fidelity which so many others have betrayed so brazenly and with so little shame, but also above all for the counsel of inestimable value which he has given me.

For my own part I confess that this passage from homoeopathic dose to horse medicine, without transition, is not made without some misgiving. Rightly or wrongly, from afar I think of the American reader as being much better protected, by the most modern, powerful and efficacious media, against assaults on the truth than the European reader, subject as he is to the old propaganda systems used here. So I consider the American reader less well prepared to face an aspect of things which, in my opinion, is almost totally unknown to him and which in any case is not the sort of thing to be encountered so brutally. Even if my concern is misplaced, I may be excused if, in trying to put him into the picture, I find it necessary to supply supplementary explanations about the basis of the problem — the reasons which forced the victors to find the solution they did and to justify a method which

* *The Real Eichmann Trial, or The Incorrigible Victors*

can only be described as such because of the care I have taken to obey the imperative of reality without ever exceeding it — explanations of the atrocious psychological climate in which all my efforts in the direction of historical truth have until now been pursued.

In the 4th century B.C., legend tells us, the Gallic chieftain Brennus overran Etruria and, going from victory to victory, he arrived at the gates of Rome, whose population had fled at his approach. He entered the city and destroyed it except for the Capitol, in which the youth of the city had enclosed and barricaded themselves. After a siege of seven months the young Romans, reduced by famine, sent to ask him on what conditions he would raise the siege and depart. "A thousand pounds' weight of gold," he replied. While the gold was being weighed, after adjusting the balance in one of the trays which held the weights several times — doubtless hoping to move Brennus to granting a remission by making him touch the gold with his own finger — the chief of the Roman delegation, whose charge it was to hand over the gold, bade him observe that it was indeed a very great amount. "*Vae victis!*" replied the other insolently, throwing his sword onto the weight tray of the scales and indicating by a gesture that brooked no reply that, for having said too much too thoughtlessly, the Romans would have to pay this additional weight of gold too. In those times the only law was the unwritten law, creating only very simple judicial situations. "Between thine and mine" distinctions, not very fundamental on the individual level, did not exist at all on the level of groups of people for whom property rights were guaranteed only insofar as they could be preserved by force. In consequence the principle of war, which was a common occurrence, was never the subject of any discussion. As for the effects of war, the loser had to pay tribute to the conqueror not because he had become guilty of some prejudicial misdeed which it would have been just for him to make good, but solely because he was the loser. The tribute itself was at the discretion of the victor and could range from a sum in cash to pure and simple annexation of the invaded territory, varied only by the enslavement or extermination of the population. The law of the jungle this came to be called later and, because it was moderate in the sense that its terms never irremediably reduced men to the habits of animals, this evaluation was, on the whole, coarse enough.

However, history seems to show that even given their victory, especially the price they generally made the losers pay for it, the victors have, so to speak, always had a bad conscience. And not only the conquerors but the disinterested spectators also. The chronicler who put the Brennus story into legend and with a single phrase, which has deservedly become part of history, laid down the martial customs of his times and thus the whole law for all wars for centuries to come, clearly did not approve of the behaviour of his hero. Otherwise, legend for legend, instead of

bringing in last minute Roman reinforcements which caused Brennus to flee and leave his booty behind, he would certainly not have failed to conform to the literary pattern of his times and make a conqueror of his hero right to the end of the tale, which would then have been a song of praise. Although only an implied condemnation, which brings to mind either the imminent or providential justice in which man successively or simultaneously believed for so long, it most certainly bears only on the effects of war and not on its cause. Nonetheless it betrays a bad conscience and the need for a justice that is not armed. And history seems to show that it is after the event, in the effects of his acts, and not before in his spirit or conscience, that man found the idea for that justice.

Since Brennus, man has made little progress in the direction of a good conscience: for the use of victors after wars he has invented the principle of the just war, the basis of which is historic law. For before wars he has invented nothing that can prevent them with any certainty.

Historic Law is the title of ownership to a given piece of land for a people. It is not inscribed in a notary's archives but only in tradition, essentially religious in nature. In the earliest ages of humanity, after the Flood in which everybody except his own family was drowned, the good father Noah, who had three sons, divided the whole earth between just two of them at God's command. Sem, the first, took the East. Japhet, the second, took the West. Cham, the third, was given nothing because, having seen his father drunk and naked, he was not in a state of grace in the eyes of God and, therefore, belonged to the race of the cursed. The unhappy man turned towards the South because there was nothing but arid mountains in the North. But that South land, which rapidly became the rich Land of Canaan because of the industry of his sons, he occupied without right. When the descendants of Shem, to whom the East had been allotted in the division, were pushed back by armed force, they did not know where to settle. The God of their fathers suggested to them that, since it had been occupired without right, the Land of Canaan was at their disposal, especially since the inhabitants were cursed — doubly so for having taken another god. With His help they exterminated their cousins in order to take their place.

Thus the notion of a just war, the legacy of the Old Testament, was born in Christian morals, based on the Law of divine jurisprudence, whose justification was the state of grace. "God's will!" or "For God and the King!" became the saying throughout Europe in the Middle Ages. This law is called historic because the history of Noah is related in the Old Testament and because, the Old Testament being an historic document, it follows that the events reported therein are likewise historic. Deduction has never been more advantageous: Noah himself a witness for history . . .

Everything happens today as if all the people in the earth,

considering themselves descendants of Noah, were continuing to dispose of his legacy by invoking the first division he made of it, and by taking a stand on a kinship which has transformed from being family-based to become nation-based. Unfortunately, even if it were one day possible to agree about the legitimacy of this categorisation of "nationality" it would never be possible to agree on the allotment of territory to be made to each nation. Unfortunately, too, there are peoples who do not recognise themselves as descended from Noah, and who base historic law on other reasons.

So it is that Historical Law, from the point of view of the first occupant, recognised or not by a God, is the fundamental reason for modern nationalism and, all things being interdependent, it has given rise to another idea — patriotism, which throughout the ages has evolved in the direction of a much more temporal and, at least in appearance, more consistent judgement than the state of grace of divine jurisprudence. Nationalism has attached to itself other laws less rudimentary than Historic Law. So much so that the idea of a just war can call to its support a whole arsenal of sophisticated arguments which only broaden the field: country, national interests, integrity, and independence, democracy, state policy, the right of self-determination, international justice, civilisation, liberty, revolution, socialism etc., even to philanthropy in the case of colonial wars. And all this, integrated in a philosophic system, pursues its murderous career in the minds and lives of men in the name of humanism.

In the end, in the name of no matter which of these myths, after every war justice always belongs to the victor, and the guilty one is always the loser: the intellectual and moral development of humanity has not yet reached the point where it is self-evident that by definition the victor is not necessarily the one with reason, only the stronger, and that the relations which should in justice necessarily exist between the judge and the party concerned cannot make an exception of war. By virtue of which it is hardly possible to demonstrate, without recourse to Machiavelli, that manners and customs are essentially any different from those of Brennus, or that the law of the jungle is definitely ended.

The two world wars having proved that the system was powerless to put right on the side of the victors, even with all the arsenal of arguments and sophistry, Machiavelli was not just an additional assistance, but the only recourse. In 1919 at Versailles, no attempt was made to prove the unilateral responsibility of Germany in the unleashing of hostilities: it was decreed and to make the decree acceptable to the people and even the victors, who demanded an accounting, they undertook to show, after the event, that during the war Germany had committed the most abominable crimes. Thus indirectly and all at once came justification for the war waged against Germany, the victory and the odious clauses of the Treaty of Versailles which practically condemned her to death.

Such is the origin and explanation of the gigantic campaign to manipulate public opinion which flooded the world, fed by the celebrated *Bryce Report*, in which were gathered and, so to speak, classified like samples, an enormous mass of the most unbelievable horrors and atrocities (all fictitious, of course) which were brought to Germany's account. But, less than five years later, the *Bryce Report* was pulled to pieces thus destroying forever the reputation of its author who, until then, had been a statesman, a journalist and a humanist, universally esteemed for his intellectual integrity. Homage must be paid here to the Englishman, Arthur Ponsonby, whose book *Falsehood in Wartime* created a sensation at the time, and served as a basis for the counter-campaign immediately undertaken by the *Society for Documentary and Critical Studies on the War* to detoxify the evidence and re-establish historical truth, and to all those scholars and artists courageously associated with this work.

Not for an instant did the victors even pause to acknowledge that this criticism was validated by the inherent feebleness of their argument. Without hesitating, they attributed it to the fact that they had omitted to invest it with the authority of legality. In 1945 they were still in this frame of mind and, certain that there had only been this little error in their method, they decided this time not to decree that Germany was unilaterally responsible for unleashing the war, but, in order to lend the argument what it lacked in 1919, to make use of horrors and atrocities for the legal proof of this guilt — Nuremberg. As an additional precaution they did not mince words over the horrors and atrocities, but gave the full dose: concentration camps, gas chambers, six million Jews etc., etc. They took up where the Belgian baby with no hands left off (which was, I think, the most that was dared in the *Bryce Report*). You cannot stop progress!

Twenty years later, in versions constantly repeated, elaborated upon and, above all, augmented, all the insanities recorded at Nuremberg as so many incontestable truths are still disseminated amongst the public, profusely and to order, through a whole literature as ethical as the judges at Nuremberg, and financed from all over to accomplish this pathetic campaign. Against this, even if it has already scored points or obtained appreciable results, the counter-campaign of detoxification has not yet really managed to take shape.

If it was willingly admitted that responsibilities for wars could be determined by their cause, it was only one of the pernicious effects of the logic of our fathers. In the modern logic of the victors those responsibilities are defined by the consequences invented for them and laid to the conscience of the losers.

The authority of legality? Not even that — only control over the mass media. The Second World War did not provoke in Europe the considerable upheavals in the structure of society brought about by the First, which had had a comparable influence on

American policy. It did not make a break with the past as the First had done. While the First broke radically with an evolution of the world in the direction of increasingly more liberal policies, the latter tended towards regimes of which Stalin, Mussolini, Hitler, Franco and so many others have together quite well defined the type. The new element is that in the clan of the victors, the political team which won the war has remained in power, with very few changes in personnel, is still in power, and maintains the team of its choice within the clan of the victors, controlling everywhere the means of subversion.

The dimensions of the crimes of this War being more frightening than those of the war of 1914 — and with good grounds! — every effort is made to hold off the hour when the people, discovering the monstrous subterfuge of which they were and still are the victims, will surely demand an accounting from them.

As far as the Second World War is concerned such is the drama of historical truth. Happily, it is only that. Historical truth no longer being determined by logic, only by the imperatives of policies, it would take only a trivial incident — even something unconnected with it — to suddenly modify the mutual interests of the victors, to shatter their solidarity, in order to set the problem in its true context again and assure its triumph. It is not impossible. Suppose for example — an extreme and probably entirely gratuitous hypothesis — that the United States reverted to the policy of isolation which is in their tradition, perhaps the sense of objectivity might be restored to them too, in which case, since they would not lose their position of leadership in the world for all that, things would surely move very fast.

Now to apply the theory to the facts. The evidence was glaring; it was a question of a war which was, in the beginning, merely a clash of purely national interests (those of Germany and Russia associated with those of Poland and the litany of little artificial states created haphazardly by the Treaty of Versailles) degenerating into a European war (with the intervention of Britain and France and the spectacular shift of Russia) and then into a world war when the United States entered the lists (Lend-Lease law), and when Japan (Pearl Harbor) refused to submit to a policy, inherited from the experience of colonialism, which the United States intended to impose on her. This evidence was glaringly obvious even to the victors themselves and not just honest men.

Two intellectual attitudes were possible: 1) either the problem presented itself as a chain of events associated with a chain of responsibilities; in that case, the good old logic of Aristotle (which the present infatuation with Hegelian-Marxian dialectic has not yet torn to pieces) pointed out that only the initial responsibility counted — in this case the Treaty of Versailles; or, 2) the facts could not be rationally linked together. Thus it was only a question of a succession of events related fortuitously by chance and, in this case, each one carried its particular responsibilities. So

it was legitimate to maintain that Britain's and France's declaration of war on Germany (rather incoherent since it spared Russia against whom the same complaint could be made as against Germany) bore, without any reasons other than those relative to the gratuitous hypothesis, the responsibility for transforming a war of national interests into a war of European concern and that, in conjunction with the imperialist policy of the United States towards Japan, the 'Lend-Lease' law carried the responsibility for its transformation into a world war. Aggravation — it was also just as legitimate to maintain that not only had Britain, France and the United States made the Second World War inevitable (rejection of the compromise peace by Britain and France after the fall of Poland, and by Britain after the fall of France) but, even more, that all three together had prolonged it by torpedoing, through the Casablanca Declaration (January, 1943 — demand for Germany's unconditional surrender) the movement in favour of peace which originated in Germany at the beginning of 1942, on the basis of the *status quo ante* (Schellenberg *Memoirs*, Paris, 1957), and which thereafter had developed there.

Neither one nor the other of these two attitudes could be adopted by the victors. It goes without saying that the latter condemned them outright, from the moment of Britain's and France's declaration of war on Germany, and for everything that followed. The former implied a condemnation of the Treaty of Versailles, the violation of which they brandished as the greatest of all their grievances against Germany. Quite a poem, the Treaty of Versailles. America had refused to ratify it; Russia, who took no part in its formulation, had until 1934 condemned it as an act of banditry, and again, from August, 1939 on; Britain had suggested a revision after 1923 and, together with Germany, had even partially achieved it in 1935. France alone remained stubborn and it was no small pleasure for her to see manifested, once again, a unanimity around her point of view, whose least advantage was that it carried with it implicit and total absolution for the most serious of all the violations of this treaty: namely, her systematic refusal to apply the disarmament clause. At the other end of Europe pleasure became jubilation because, with the Treaty of Versailles condemned, the right of self-determination of peoples was recognised and it meant the final blow to Pan-Slavism which Bolshevism, as in the times of the Tsars but now under the mark of the revolution, had made the keystone of all the foreign policy of Russia.

At Yalta and other places it was decided that Russia had given proof that she had returned to the fold of the concert of the Nations, and the attitude adopted, without letting its bastard character appear, was the following: the world war was envisaged in the first instance as being a rational chain of events, each evolving from the preceding, the initial responsibility being fixed

not on the origin, that is the Treaty of Versailles, but arbitrarily as the events progressed by using an argument according to which the one responsible for any war was the one who, breaking off negotiations aimed at a compromise, set his armies on the march. For twenty long years, from 1919 to 1939, endless discussions attempting to define the aggressor were carried on without success, and there, in a trice, produced on paper without too much effort was just the right formula. It was as simple as that. I must admit that, with both conditions united in one person — the rupture of negotiations and the marching order to the armies — it made a serious argument. Unhappily, in 1939, the one who had broken off negotiations was not the first to set his armies on the march. In a remarkable book, *Der erzwungene Krieg* (*The forced war*) (Tübingen, 1962), the American historian David L. Hoggan, supported with documents and testimonies, has indisputably established that it was Poland, as the docile instrument of Britain, France and Rooseveltian America, who had broken off negotiations, in order to present Germany with the Hobson's Choice of putting her armies in the field. In a similar way, Poland had put her own armies into position, which reveals sufficient about her intentions and those of her inspirers to be presented as supplementary, though superfluous, justification to David L. Hoggan's argument.

To be sure, the victors were not unaware of this aspect of things since they had planned it themselves. And they had only the less confidence in the solidity of the argument. Then again, among all the arguments in their philosophical arsenal, there was not one which, even resorting to sophism and begging the question, could not be turned against one of them, often several of them, sometimes all of them, and all together against Russia. So, having fallen upon the horrors and atrocities, they had barely had time to set the mechanism of the operation in motion before they perceived that, of all those things which could be charged against Germany, there was not one on which Germany could not hold up a comparable charge against *them*. Gas chambers? Perhaps, but the proof is far, very far, from being established. With the exception of one, in all cases the opposite is proved. In the one remaining case, contrary proof has not been made because it is a question of a camp (Auschwitz-Birkenau, the very one charged with the greatest number of the worst crimes) located on the other side of the Iron Curtain where nothing can be verified, and where the fabrication of false documents is raised to the level of an institution. Whereas atrocities of a comparable kind — aerial bombardments with the phosphorus bomb of the civilian populations of Dresden, Leipzig, Hamburg etc., which in a quarter of an hour in the middle of the night turned 200,000, 300,000 or 500,000 people into human torches — were, alas, clearly proved, and that even in 1945 (without counting Hiroshima!).

Worse than an impasse — a trap. The evidence had to be admitted. No sophist, by no matter what dialectic trick, could

find justice in the victors' conception of it. Machiavelli himself would have failed! There was only one way: the subversion of public opinion. But the situation was so delicate that, from the very beginning, it was necessary to mobilise every instrument controlling information to insure against any possibility of failure. And so coercive measures to silence honest people became part of the law. So infamous were they that, even to distant posterity, nothing will be able to cleanse the conscience of those who introduced them.

Two new offences, relative to criminal law, were invented: 1) sympathy for Nazism or Fascism, and 2) anti-Semitism. After that there was no longer any possibility of saying or writing anything at all on the War which did not conform to the official line, without falling under one or the other of these indictments — or more often both — that is to say, not without being automatically sentenced with very heavy fines or prison, coupled with the loss of civil rights, which deprived one of the means of subsistence. Temerity being the ransom of honesty, some eminent intellectuals took the risk nevertheless, and there were many such cases.

But to prohibit the search for and publication of the truth merely by taking such Draconian measures would be ineffectual without additional sanctions to prevent, without any chance of a loop-hole, the action coming to light in the natural play of the traditional mechanisms of the administration of justice. Therefore a special law was made. At any rate one was needed because international law was without any provisions for even initiating a trial. Furthermore, even with the law elaborated, it still could not be applied to the war just ended, the principle of the nonretroactivity of law forbidding it formally and explicitly. There was no wavering in the face of this difficulty. Coldly it was decided that the 2,000 year old principle of the nonretroactivity of laws was not applicable to this war. As for the truth, the law prescribed that the prosecution could dispense with judicial proof of the materiality of the facts of the accusation, every time they became a matter of public knowledge. The number of facts admitted as incontestably of common knowledge, because they could not be proved, is incalculable. And to seal any crack through which the truth might escape, a whole list of arguments was drawn up which the Defence, the accused and their witnesses did not have the right to make use of. This precaution was unnecessary at least in the instance of the witnesses. They were all either themselves accused and in prison, or likely to be, and it is easy to understand that their testimonies were inspired, in the first case, by the anxiety not to aggravate their situation and if possible to alleviate it, and in the second case, by the concern not to put themselves in a worse position. A psychological service was attached to the Tribunal under the direction of Professor Gustave Gilbert of Long Island, whose task it was to remind those among the witnesses

who did not seem to be sufficiently inspired of that concern. He obtained remarkable results by every possible means.

With these steps taken and nothing overlooked, everything was set; and with public opinion needing a scapegoat, as after all collective disasters, the operation could not fail to succeed. For the moment at least. The psychological atmosphere created was dreadful. It had not been necessary to protect the Tribunal against the suspicion which its sentence might arouse; it was already protected by the traditional laws and jurisprudence through contempt of court, a charge which could be brought against those who might be tempted to summon them before public opinion.

I have the soul neither of an apostle, nor of a hero, nor of a potential martyr. I am not daring by nature. If I have performed any acts of courage which have attracted attention, it was only in taking calculated risks of such a kind that I could very easily bear the possible consequences. And if once I did expose myself in such a way that for sixteen months every morning on waking, I was faced with the thought that there was every reason why I should not be alive in the evening, it was due to a simple miscalculation of the actual possibilities offered in the combination of circumstances in which I had acted. Fear of death? More serious and more terrible than that. I was convinced that I had acted like a man totally deprived of intelligence and good sense. Taught by experience, at no price did I want to expose myself to an error, to be sure of lighter consequence, but just as serious in that it would be of the same kind. Refusal to do one's duty? Certainly not, just a rejection of sacrifice. In this state of mind, if duty demanded that I object to the operation and speak up, it also commanded me to act more intelligently this time than I had against Nazism during the German occupation. My first concern, therefore, was to evolve a strategy which would save me from finding myself again in the role of Don Quixote battling against the windmills.

I proceeded by elimination. To argue over the responsibilities for the war was not only dangerous, it was hopeless. On the one hand, the perspective necessary to the historian did not exist; on the other, public opinion, conditioned by subversion, would not have tolerated it. Today we are up against the second of these. Until we have indisputably established in the eyes of public opinion that the flood of calumnies which the victors have laid on the conscience of the defeated is only the fruit of a deranged imagination, at the service of the most absolute dishonesty, it will not be possible for us to fix its attention on the true facts of the responsibilities. I speak only of public opinion because, in the eyes of all objective people, proof has now indisputably been made, and it remains only to broaden the field of objectivity.

Having discarded as hopeless the question of the official line on the responsibilities, only the Ponsonby method remained. And it was necessary to be very prudent. I knew that I could not escape

being brought up before some court, but I also knew that to achieve anything efficacious, I must at all costs avoid being found guilty. And there were three offences with which I must never allow the judges to charge me: defence of Nazism or Fascism; anti-Semitism; and contempt of court, mentioned above, without counting a fourth which has always existed in ordinary law — injury and defamation of character of those I brought up.

Defence of Nazism or Fascism, that was easy. A long past proved that I was neither one nor the other. I had just come out of a concentration camp into which I had been thrown for that very reason, and I had just been decorated twice as an official recognition, without myself having taken the slightest step to obtain these two distinctions.

Anti-Semitism, that was a little more difficult. Everything that did not tally strictly with the postulations of the Jewish documentation centres, which had sprung up and were to be found almost everywhere, was considered relevant to this offence. And if I was not actually anti-Semitic, I was nevertheless in trouble with the international Zionist movement for having always maintained that to claim the right to settle sixteen to seventeen million people on the twenty to thirty odd square kilometres of Palestine territory was economic idiocy, apart from the fact that the law of history which was the basis of reference for the project, as demonstrated by Renan, was quite another issue in the legal sense. They were waiting around the corner for me. I evaded their move by deciding not to bring up explicitly any of the arguments originating in the Jewish documentation centres. At the time, moreover, the Nuremberg trial was playing the Zionist game much better than any Israeli writings, or they themselves, could have done. Those centres and their attachés were very discreet — so discreet that they presented little to take hold of. It was only later, about 1951—52, that they entered the fray and took the lead in counteracting the emergence of historical truth, and I think I was no stranger to that kind of reaction.

As for contempt of court, there was no problem. One simply brought up the Nuremberg judges without implicating them, that is, without naming them. It was quite easy. One attacked only those witnesses on whom the judges had based their opinion. And here I was in my own field, the study of the witness and his testimony being, in a way, part of my profession. I knew that if the witness for the defence is almost always a decent sort, he who makes an accusation is almost always a bad character — only concerned with painting things black in order to get a condemnation, a shameless liar, and who could be exposed *in flagrante dilecto* at every point of his testimony. In sum, a sadist. As an extra precaution, I brought up the former only indirectly, and then only by making use of that whole body of literature which so embroidered the testimony that its use will be the shame of our century.

It was only the offence of injury and defamation against which I was not protected, no matter what I did. But since injury and defamation are not in my nature, I could only think of protecting myself in one way: to write nothing I was not in a position to prove, so that if I were brought up before any court I could put a stop to those who incriminated me, and the judges. Naturally, it would never occur to me to tell a falsehood. But there are two kinds of truth: those which can be proved, and those which cannot. The number of the latter was considerable, truths for which proof did exist, but not in my hands and which could only be found in places impossible to reach; and, at the same time, it was impossible to reveal where the proof could be found for fear of exposing it to destruction. I had to remain silent for both reasons. May future historians have no fears; I have left plenty of meat for them!

A final precaution which the moral climate in which we lived seemed to impose on me — the homoeopathic dose, to which I have referred. After three years of reflection and research, *Le Mensonge d'Ulysse* (*Ulysses' Fable*) was conceived on the lines of a parallel between the unanimous testimony of all the other witnesses on their experience in German concentration camps, and my own experience for sixteen months. I had thought that there was no better method than to reconstruct these camps in their true aspect, in that it permitted me not only to bring to light everything about which they had maintained a strange silence, but in addition, with regard to the administration of justice, to catch them in the act of lying. Before making it public, I submitted the manuscript to a jurist among my friends, of world repute in matters of freedom of speech, asking him to point out to me everything that could warrant a judgement of injury and defamation in case of a lawsuit. He only had to make a few corrections, on form only, here and there a word of expression easily replaced by an inoffensive synonym. Then he had me show him legal proof of all that I claimed. I was able to do this impeccably.

Thus the idea of homoeopathic medicine came to me, of publishing the two parts separately. The first, which narrated only my personal experience and implicated no one, and which consequently gave no pretext for any legal involvement whatsoever, could not fail to provide a favourable climate for the second. If need arose, I would always be able to bring the two parts together into a single volume under the title I had chosen. Thus, I published this first part with the innocuous title, *Passage de la Ligne* (1949) (*Over the Line of Demarcation*).

The idea turned out to be a good one. On the whole, the reception was favourable and encouraging. There was, of course, some gnashing of teeth. On the part of the Communists, for example, whom I had handled pretty roughly, but, incredible as it may seem, the crime of anti-Communism had not (yet) been provided for.

I waited for this first part to produce its effect — two years, during which time I published the second, with the true title. In court I easily proved my case; I was of course acquitted. But the adversary did not consider himself beaten. On appeal he managed, thanks to complicity on the spot, to have me sentenced with a heavy fine and with damages, with a suspended jail sentence, and an order to destroy the book. In the third and last suit I won the case, as was foreseen. On the 24th day of May, after four years of proceedings, all the papers published the final judgement, summed up for *Agence France-Presse:*

"The criminal division of the Supreme Court of Appeal set aside the judgement of the Court of Lyon which had sentenced, for injury and defamation, the 2nd of November, 1951, M. Rassinier, author of the book Le Mensonge d'Ulysse, *M. Paraz, author of the preface, and editor of the work, to imprisonment and fines, and to pay damages to the National Federation of Deportees and Resistants.*

"The Supreme Court objected to the sentence:

"1. On the penal level for having upheld crimes of injury and defamation, when the criticisms of patriots in the book are, to be sure, unfair and malevolent, but are of a general character and addressed to no one in particular.

"2. On the civil level, for having declared admissible the action of the F.N.D.R., when this organisation has not been directly referred to in the book, and not one of its members has been attacked personally."

So I had injured and defamed no one. In declaring that, the Supreme Court at the same time declared that all that I had said was recognised to be true, since the crime of injury and defamation could not be established except by proof to the contrary. The least to be deduced from this sentence was that with all the material available to it, the prosecution could not provide this proof. It was correctly said that my criticism was "unfair and malevolent" towards the patriots, but what criticism is not, to the one under attack? The nature of this appreciation is indeed so subjective that the law has never made it a crime.

The point was won. Now at last a bit of historical truth, not negligible although unrelated to war responsibility, was itself found to be covered, paradoxically, although in irreducible contradiction to the truths of Nuremberg, by the authority of the Courts, and it could be made use of without risk in all the public proceedings. A breach was made in the wall, and through this breach one could pass to arrive at other truths. I did not fail to, and since then many others have followed after me. Today there is hardly any risk in contesting, even in their smallest detail, all the arguments of the victors on the unilateral guilt of Germany. But in France, in the year in which *Le Mensonge d'Ulysse* appeared, four or five rash people, who had not felt it necessary to take as many precautions as I did in entering the fray, were pitilessly and

harshly sentenced. Among them, Maurice Bardèche (*Nuremberg ou la Terre Promise, Nuremberg or the promised land*) and Henri Fabre (*Le 15 août et la Libération de Tulle, The 15th of August, and the Liberation of Tulle*). Such cases are countless within Germany itself.

I will spare the reader the abominable calumnious campaign in the European press of which I have since been the victim, and which the judgement of the Supreme Court did not cut short. It was the Socialist Party which supplied the theme: in 1951, without waiting for the outcome of the case investigated, and without even considering the facts of the case. I was thrust out of the bosom of the party on the pretext, true enough, that what I was saying made light of what Nazi or Fascist strength remained in Europe. As if the evolution of modern societies in the direction of authoritarian forms, for 50 years observable all over the world, did not stem from the fact that every time they needed to save face the democratic forces have not drawn back in the face of the shameless lie. As if Hitler had not been the end result of the great lie of Versailles, and as if the astonishing progress of Bolshevism since 1945 was not the result of the great lie of Nuremberg.

The argument of the Socialist Party against me spread like a drop of oil. Progressively I became a camouflaged collaborator, then a neo-Nazi, then a member of the governing board of the neo-Nazi Internationale. It was even taken up by one of the leading contemporary Philosophers, M. Merlaue-Ponty, Professor at the Collège de France, who wrote to me, the 24th of May 1951:

"Historians will have to ask themselves these questions. But in reality, this manner of examining testimonies results in throwing suspicion on them, as if they lacked an accuracy that could justifiably be expected of them. And since at the present time the tendency is rather to forget the German camps, this unreasonable demand for historical truth positively encourages the falsification, and massive it is, which consists in admitting broadly that Nazism is a fable."

This text gives the measure of the intellectual depths to which we had sunk.

I had good reasons for not being too disturbed. Even before he had the proof, after September 1914, the already non-conformist peasant of the French eastern frontier who was my worthy father had never believed that German soldiers cut off the hands of Belgian children. And he had made it his business to make the truth known. For years he was called an agent of the Kaiser, "Boche", and "Spike Helmet". In short, I was a chip off the old block. And I told myself that time, which had worked for him, would not fail to work for me.

To go into detail on the complete nonsense grafted onto the principal argument, which for the four years of the proceedings the entire French press echoed every week or two to keep public opinion on the alert, would be to abuse the English-speaking

reader. It will suffice to give just an idea of it by citing three particularly significent examples. Six months after it had appeared, the title of *Le Mensonge d'Ulysse* became *La Légende des camps de concentration.* And, in summarising the contents, some hard-up journalist wrote, in the *Progrès de Lyon*, the following, which was reproduced by almost all of his confrères of the Paris press:

"The brutality, a legend! the crematoria, a legend! Electrified wire enclosures, a legend! Death in lots of ten, a legend!"

Finally, in a paper of the deportees, M. Jean Kréher, attorney for the prosecution, came to the rescue with what seemed to him to come right from the heart of my study, and which was also abundantly reproduced:

"So, if we were gorged with the sausages and first class margarine, if everything was foreseen to take care of us, and provide us with the necessary distractions, if the crematorium is an institution required by hygiene, if the gas chamber is a myth, if, in a word, the SS were full of consideration for us, what is there to complain of?"

Decidedly, not all the falsifiers in the world met at Nuremberg. I had, without any particular merit, the wisdom never to reply to attacks against me. On the one hand, I had been taught that silence expresses the deepest contempt, on the other, a sense of dignity kept me from stooping to such low polemics. I admit that in this attitude I also took tactics into account. I wanted to strike only heavy blows, and, to be effective, I had to stick to my method, which, until then, consisted in striking only under favourable circumstances. To wait for opportunities? Yes, but the one quality essential to a historian is never to be in a hurry. In 1960, a series of lectures which I gave in Germany, in intellectual circles, so stirred up public opinion that one of the opportunities was provided — *Ulysse trahi par les siens* (*Ulysses betrayed by his fellow men*, published in Germany with the title, *Was nun Odysseus?*). And in 1960 the scandalous arrest of Eichmann in Argentina, the trial given him in Jerusalem, the intensive propaganda to support the whole affair, etc., furnished me, finally, with the opportunity I had been so long waiting for, to present the problem as a whole, *Le Véritable Procès Eichmann ou les Vainqueurs incorrigibles* (*The real Eichmann trial, or the incorrigible victors*) (1962).

Whether the atmosphere in Britain and America is as favourable to the work as it was in Europe is the question, and to this question, and the reactions it arouses — or does not arouse! — this book is the answer.

"The capitalist regime," Jean Jaurès once said, *"carries war within itself, as a passing cloud carries the storm,"* and this metaphor, of which history offers few so concise, striking and substantial, has echoed around the world. Historians of the school to which I belong, who have made it theirs, will not fail to point out to me that it is the starting point for all studies of the

problems of war and peace. One of them once said to me, "You are surely right. Your general theme is surely indisputable in its whole, if not in all its details. But with regard to the basic problem, that of placing the deep-seated causes of the war of 1939—1945 within the framework of the fundamental principles of the capitalist regime, and the function of the institutions which led us into it, your theme is only on a minor matter, and you make two errors. The first is, that in our way of studying the phenomena of war and peace, it is not the Treaty of Versailles which is the primary cause of that war, but the capitalist system which made the Treaty of Versailles what it was. The second is that everyone knows that war, which is itself a horror and atrocity — the greatest and most unspeakable of all — involves in its turn a succession of horrors and atrocities. So it is not necessary to make an exact count of them, with which to charge each side of the fighting line. That is not the problem."

No indeed! that is not the problem, and that is just what I maintain. Moreover, that is why the lesson of examples seems to me sounder than that of precepts, that is why all my efforts tend to draw a parallel between that which should be discussed (the Treaty of Versailles), which would surely lead to a basic study of the problem, and that which is discussed (horrors and atrocities), and the methods used in discussing them. On the other hand, there is no doubt that as long as this atmosphere, poisoned by the horrors and atrocities, is not cleansed, there will be no possibility of turning the attention of public opinion toward the basic problem. For example, to a book so remarkable as *Der erzwungene Krieg* by David L. Hoggan, which incontestably sheds the most light of all that has until now been published on the war of 1939—1945, for any student of this problem. Furthermore, if the air is not cleared, if some day it is ever admitted that the basic problem cannot ever be dealt with, it is not only their horses the Cossacks will water at the Rhine, as an old European proverb puts it (which also adds that on that day the stone eyes of St. Odile of Hohenbourg (Alsace) will weep), but their tanks which they will fill on the spot in the Sahara. For on that day we will have to admit that there is no possibility of integrating Germany into Europe, since the only obstacle to her integration is precisely the campaign directed against her on the theme of the horrors and atrocities for which she is supposedly, and congenitally, forever destined to make herself guilty. However, a Europe without Germany will be, within a short time, not only a Slavic Europe, but a Bolshevised Europe, with a promise of the Bolshevisation of the whole of North Africa, to begin with.

It is the problem of western civilisation which is thus posed. I ask to be excused by the Americans if I think that the terms of the problem depend only on them, because, the leadership of the free world having fallen to them, the intellectual orientation of that world today depends upon their reactions.

I had thought to present this collective study in the order in which circumstances compelled me to offer it in successive stages to European opinion. Then, as I advanced with the work thus conceived, I realised that, although not having to change a word in earlier writings of 10 or 15 years ago, at every step I had to take into account the new discoveries made by historians during this period, and to integrate them. To avoid the loose and confused tone which would have been unavoidable if I had pursued this track, I preferred to make a general revision, and revert to the classic method of the historians: first the theme, then the references.

The theme includes the two first parts: the Treaty of Versailles and the Nuremberg Trial. The two other parts are devoted to the references: my personal experience and the experience of others, or a study of concentration camp literature, together with a complementary study of the conclusions drawn from them by those fascinated by the subject but totally without experience.

Is it long? Yes, it represents fifteen years of work.

For the average Briton, will it be tedious or disagreeable? Without any doubt, but I neither write nor speak for the average Briton: I am not a candidate for the Prime Ministership!

P.R.

Paris, July 1963

Chapter I

FROM STALINGRAD TO NUREMBERG

Spring 1942. The focus is on the resumption of the general offensive which has been stopped just outside Moscow since December. Everything has been thought out in minute detail. It does not occur to Hitler and his General Staff that it could be otherwise — this time . . .

The disposition of the forces for a renewal of the attack, and the overall plan of the operations were, in fact, well thought out. A little audacious, if not reckless, indeed ambitious, in the usual manner of Hitler. But has not Hitler's way been tested and proved?

But they were stopped in front of Moscow. Far from holding him accountable, informed circles put the responsibility on Mussolini's anarchistic and unexpected intervention in Greece. The disorderly flight of his army, at the last moment, rashly exposed the right flank, in its initial disposition, and kept the German armies busy for a month repairing the damages, thus delaying getting the operation underway, which permitted the Russian winter to overtake Guderian's panzers. As for uninformed circles, that is, the people, they were not aware of any setback; to them, at the most, it was just some hitch, not disturbing or serious. It would take a great deal more than that to impair Hitler's popularity and the confidence he inspired. The smarting misfortune of the Munich putsch of 1923 did not, and he marked out the twenty years since that time with an uninterrupted series of brilliant and often spectacular victories. Unconquered, he was invincible, no matter what he undertook.

In the first instance, the German armies were to take their position along the Murmansk-Moscow-Stalingrad-Astrakhan line. Once the Russian armies were without provisions, *matériel*, foods, medicine, furnished them by the Allies via Murmansk, and especially up the Volga via Iran and the Caspian Sea,* at the same time without their oil supply from the Caucasus, their front driven back, and their defensive system disorganised, they would have no other recourse than to break up their units, no other hope than to try to reform at the Urals, their last, and the nearest, strategic line of withdrawal, and also the last vital centre of Russia. But the General Staff of the German armed forces (O.K.W. = *Oberkommande der Wehrmacht*) planned from the beginning to frustrate that possibility. Guderian's armoured forces were to be at the Urals before the Russians could get there. Thrown back on Siberia, her army and equipment captured, with or without capitulation, Russia would be conquered and disabled.

* The British and the Russians had occupied Iran to make sure of a provisioning route to Russia via the Arabian Gulf, and they had occupied it in violation of the same legal principles which they so often blamed Germany for violating.

The breakdown was expected to take place at Stalingrad, key to the Caspian, and hinge of the Russian formations. If the peace proposals, which would be made again to the West, met with the same rejection as those of July 1940 to England, Stalingrad would become the base of operations.

In the second instance, the aim would be to join the armies engaged in Russia with those operating in Africa under the command of Marshal Rommel, at Basra on the Arabian Gulf.*

However, Hitler hoped it would not be necessary to go as far as Basra to make his victory decisive and permanent. With Russia crushed, Britain, in order to avoid the loss of the Middle East and Egypt (which would mean the collapse of the Commonwealth, and which would reduce her to the minor role of being a bridge-head for America), would give in, and just as surely in that case, it would be unthinkable that America would remain determined to continue the war.

German troops at the Urals and at Basra would mean, of course, removal of the last hesitations of Spain and France, and then North Africa. Economically speaking it would mean an enormous mass of 700 million people, having at their disposal but under German control, more than half the riches of the world, the surplus finding an outlet in Africa, and especially in an Asia conquered (and protected from the Americans) by Japan. Militarily speaking, it would mean 700 million people, steel clad, solidly entrenched behind an efflorescence of Atlantic Walls and Siegfried Lines of all kinds, an impregnable fortress, and up to atomic standards, against which the Anglo-Saxons' most powerful assault waves would only break up or die of exhaustion. In other words, world leadership. But even if Britain did remain stubborn over everything, America, surely, would not follow her in such folly.

Such was Hitler's calculation. Audacious, reckless or ambitious, and only conditional. The crushing of Russia would put an end to the war, and apparently it lay within his power.

Apparently . . .

* * *

There was nothing classical about German tactics. The merit of Hitler, a strategist on occasion, lay in his having understood that given the excessive length of the fronts, which is characteristic of modern wars and the plague of general staffs, it was not possible to conceive of an offensive as a combination of movements harmoniously developed around a centre and two flanks, the tradition in classical strategy. On a 2,000 kilometre front, like the one which served as a line of departure (assembly position) for the invasion of Russia in 1941, the three segments of classical strategy were, at 1,000 kilometre intervals, obviously too widely separated

* In *Hitler, Seigneur de la Guerre* (*Hitler, War Lord*) (Paris, chez Payot, pp. 86—87), General Halder, former Chief of Staff of the German Army, attributes this operation plan to Goering, and ridicules it.

to work together or alternatively. To divide this front up into three or four independent sections, with the mission to advance in successive rushes and realignments, in the purest traditions of the art, was incompatible with those requisites of the Blitzkrieg imposed by the time factor, which Hitler knew were playing against him, economically speaking. Therefore, he formed an unbroken line of bases, firmly anchored, from which to send out sudden sorties of armoured columns, to drive a wedge into the enemy formation, then to regroup at a depth of 200 kilometres or more behind them. At the same time, this enemy was to be frontally attacked by assault infantry, and pounded by Luftwaffe dive bombers.

The results were extraordinary, not only in Poland and France, where the front lines were relatively short, but also in Russia. The German armies arrived before Moscow, having averaged an advance of about 1,000 kilometres in six months along the entire extent of this immense front, and they had amassed two million Russian prisoners, nine thousand tanks, seventeen thousand guns. As for the Russian air force, thanks to the effects of surprise, several thousands of their machines had been destroyed on the ground during the first day in massive bombardments by the Luftwaffe.

Russia's immeasurable resources in men and equipment were known. But that she was able to recover herself after such a disaster astonished military experts throughout the world.

Always she pulled herself together, and always it had to be begun again.

From Astrakhan to Murmansk it is 2,700 kilometres as the crow flies. Along the ground it is nearly 3,500 kilometres. Hitler knew that to determine on that objective meant extending by about 1,500 kilometres a front which was already 2,000 kilometres long, and that the main question was one of military strength. He resolved the problem by deciding to make use of prisoners of war and civilians in occupied countries, in the war industry, in order to release to the front as many Germans as possible who were in reserved occupations. To execute this decision, Speer was named Minister for Armaments and Munitions in February, and at his suggestion, Sauckel was made General Plenipotentiary for Man Power on March 21st.

Here there was a little difficulty to overcome in the matter of international law. The Geneva and Hague Conventions prohibited the use of such labour in war industries and in the armed forces.

The articles of the Geneva and Hague Conventions, to which the Prosecutors and Judges at Nuremberg were to refer so often, are, especially those of the Hague, fairly little known. Perhaps it will be useful to give the reader an outline of what, except for this provision and those related to guerilla warfare, these covenants embrace, and which I think can be summarised as follows:

A. On the initiative of Russia and the United States, who wanted to settle the question of the limitation of ground and naval

armaments, and the question of the peaceful settlement of international disputes, international conferences took place at The Hague in 1899 (May 18th to July 29th), and in 1907 (June 15th to October 18th).

B. At the first conference (on the initiative of Nicholas II) there were represented all the countries of Europe, a few states of the Americas, and of Asia, twenty-seven in all. And the following conventions were adopted:

a) on the laws and practices of war on land, b) on adapting the Geneva principles of August 22nd, 1864, to maritime warfare; on the peaceful settlement of international disputes.

Declarations to complete these conventions were also adopted: forbidding the launching of projectiles from balloons in air; forbidding the use of asphyxiating or harmful gases; forbidding the use of projectiles exploding within the human body. Finally, a permanent court of arbitration was created, as well as a permanent court of international justice.

C. At the second conference (on the initiative of Theodore Roosevelt, and which was made up of 44 countries) thirteen other conventions were adopted, with particular reference to: compulsory arbitration of international disputes over war on land, naval warfare, the opening of hostilities, maritime seizure, occupation of enemy territory, etc. A Declaration relative to the launching of projectiles from balloons confirmed that of 1899. Finally, a Prize Court was created, but it was not ratified.

D. Two other conferences took place, in 1929 and 1930, for the settlement of the financial debts of the war of 1914—1918. The Young Plan was adopted, and the evacuation of the Rhineland was decided upon.*

It was fairly simple to meet the difficulty presented by the Hague Convention concerning the use of labour. Russia, which had refused to recognise the conventions and had consequently not respected them in Poland or in the Baltic countries, could not honestly benefit from them. And as for the countries which had signed the conventions, the question was resolved judiciously at a government level, after October 1941, through agreements which ended in the organisation of voluntary service, and then in laws instituting the administration of compulsory labour (in France, laws on compulsory labour were not promulgated until October 1942). In countries like Belgium and Holland, where legal power had resigned constitutionally or disappeared, only voluntary labour could be sought.

To the labour force thus obtained could be added, from all of

* In 1945, the Permanent Court of International Justice was abolished, and was replaced by the International Court of Justice, instituted in the Charter of the United Nations. As for the Permanent Court of Arbitration which still exists, it is in reality a roster of arbitrators, from among whom parties in litigation choose a tribunal; it is supported by an International Bureau and an Administrative Council, both permanent. Then there was the Prize (maritime) Court of 1907, a court of appeal against the decisions of national (municipal) courts, which passed judgement on maritime seizure in time of war, and on whether the decisions of those courts conformed to the Prize Convention.

occupied Europe, an important number of persons: members of the opposition, resistants, and *franc-tireurs*, themselves having infringed the Geneva and Hague Conventions, and no longer protected by any international statute, and who could be deported and put to work in concentration camps. Indeed, massive deportations were begun in March 1942, and Eugen Kogon gives 2,791,000 as the officially accepted figure for deportees of all nationalities, racial deportation not included, nor the 640,000 or so deportees of the first five months of 1945 (*Enfer Organisé*, pp. 34 and 147).

Four to four and a half million Jews living within the European perimeter held by the German forces, of whom about half were of labour age, were officially added to this figure. The situation of the Jews was judicially and materially tragic. Since 1933 a whole series of decrees, in application of the Party programme proclaimed at Munich on 24th February, 1920, and then racial laws, promulgated in accordance with the decisions acclaimed at the Nuremberg Congress in September 1935, had progressively taken away their German nationality in the Third Reich. Since there was no Jewish State with which to make bilateral agreements, or international agreements in the Geneva tradition, and since, in spite of the repeated proposals of the National Socialist Government, no country was willing to authorise their immigration or take them under protection, they lived in Germany, until war was declared, with the status of stateless citizens, which offered no protection, just as was and is the case with stateless aliens in all countries. They are subject to the caprice of power. In November 1938, after the assassination of von Rath, Counsellor of the Embassy, by the Jew Grynspan, which stirred Germany into a surge of indignation, albeit somewhat organised, they were thrown to the vindictiveness of the public. At the same time, as a reprisal, measures of spoliation were taken against them (which up until then had not been customary) and all the mechanisms of emigration, non-official, semi-clandestine, and in every case, forced, were set in motion. In September 1939, at the beginning of hostilities, representative authorities of the Jewish World Congress, in order to reproach England and France for having delayed so long, reminded them that "the Jews of the whole world had declared economic and financial war on Germany since 1933," and that they were "resolved to carry this war of destruction to the end." In making this move, they practically authorised Hitler to put all the Jews at hand in concentration camps. In times of war this is the customary treatment of enemy aliens in all countries. Progressively, along with military developments, the other Jews of Europe found themselves in the same boat with the German Jews, and when there was no longer any hope of arranging for their emigration from Europe (the last hope, as we shall see, evaporated with the failure of the Madagascar plan, at the end of 1940), it was decided to re-group them all, and to put them to

work in a single and immense ghetto. After the success of the invasion of Russia, at the end of 1941, this area was established in the so-called Eastern Territories, near the former Russo-Polish frontier: Auschwitz, Chelmno, Belsec, Maidanek, Treblinka, etc. There they were to wait until the end of the war for international negotiations to determine their fate. This decision was brought into application at the celebrated inter-ministerial conference at Berlin-Wannsee on 20th January, 1942, and the transfer began in March. If the fact that in the spring of 1942 there was a minimum of four million French, Russian, Polish and Yugoslav prisoners in Germany, plus the human resources of conquered Russia, is taken into consideration, Hitler could very reasonably expect to have a foreign labour force of about twenty million people. Enough to protect the war economy and the German army against any manpower shortage.

According to Halder, if his journal is to be believed, Hitler defined his political intentions with regard to Russia to a group of generals on 30th March, 1941. "North Russia to be attached to Finland. Protectorates: Baltic states, the Ukraine, White Russia." On 17th July, after the German-Russian war had started, Rosenberg, after he had assumed his post as Minister of Eastern Occupied Territories, stated the aims more explicitly — "the dismemberment of Russia into component parts, each to become an independent state, or federations of the Ukraine, Ruthenia, Russia, Caucasus." Finally, Directive No. 21 (Case Barbarossa: invasion of Russia) stipulated in the paragraph, special cases, "Russian territories occupied during the course of operations, as soon as battle conditions permit, shall be organised into states, in accordance with special directives."

When these statements and instructions were circulated through Rosenberg's bureau (and among Canaris' secret agents), they led the Balts, Ruthenians, Ukrainians and Caucasians, all of whom were traditionally hostile to Moscow and even more to Bolshevism, to hope for independent statehood on the arrival of the Germans, whom they at first received as liberators. In application, they would not only provide the German war economy with the manpower Hitler was counting on, but the army, too, with autonomous legions, fighting at their side — an almost inexhaustible supply of volunteers. And that was the case at first. They were sent to Germany with nine-month or one-year contracts. Then there were fewer and fewer. Then those who went home did not go back again. Rosenberg's declarations and Hitler's instructions became dead letters, as living conditions for the people of the East worsened under the police control of Himmler, the Gauleiters, and the Protectors. A change of heart took place, and acceptance was turned to hostility, all the more because, at the suggestion of the Minister of Economic Affairs and of the Commissariat, the Bolshevist structures of rural land management (*kolkhozes* and *sovkhozes*), which the people hated, had been retained.

For all these reasons, and others such as the refusal to provide autonomous military legions (it took two long years of negotiations before General Vlassov was authorised to raise two armies in the Ukraine, for example), the recruiting of labour locally, which was the job of Sauckel's bureau, became a veritable man hunt. And it was the same in the West, although for different reasons. When he was interrogated at Nuremberg on the 31st of May, 1946, by the Soviet Prosecutor, Alexandrov, General Plenipotentiary of Man Power Sauckel stated that of the thirty million permanently employed for the German war economy, there were never more than five million foreign workers, not including prisoners of war and persons in concentration camps. The day before, the Prosecutor had tried to get him to admit to ten million, but he would not accept that figure unless it included prisoners of war. Lacking positive information, it is possible to assume that if the accuser intentionally exaggerated, it was to the interest of the accused to minimise. If we make a rough estimate, not counting the concentration camps, and say that at some time there may have been between twelve and thirteen million foreign workers in Germany, a little more than two fifths, and a little less than half of the total manpower, we will probably not be very far from the truth. It was an enormous number, but still nowhere near Hitler's hopes, and the possibilities.

There was another difficulty. To the lack of numbers had to be added the lack of quality because the labour so indiscriminately rounded up was not skilled, and the men in reserved occupations could not be spared in sufficient numbers to satisfy the demands of the front. Finally, with regard to production, while the efficiency of the prisoners of war, on the whole, was almost but not quite at normal level, that of the workers recruited by force and exposed to the police tactics of Himmler's bureau, was very low, and that of the men from the concentration camps, living on an atrocious diet, was about zero. Sabotage did its part too.

It is clear that, together with the partial failure of the Sauckel mission, the fact that so large a proportion of the labour force was so unproductive — either unskilled, or living under conditions that made work impossible, or naturally resorting to sabotage — killed any hope of furnishing the manpower and war materials in the quantity demanded by the military necessities of an operation so vast in scope.

Hope was frustrated all the more in view of the unparallelled waste of productive forces for which the regime, at least in the execution of orders, was cold-bloodedly responsible: the non-racial camp internees who died at a catastrophic rate, not of compulsory labour, but of bad treatment, and the four to four and a half million Jews who were never integrated into war plants, and practically paralysed by the measures used concerning them.

After 1943 it was time for the Allies to think of the organisation of Europe and the world after the war. The era of

conferences began.

In fact they had tried to open this era of conferences much earlier. It is hardly an exaggeration to say that the first reply of the United States to the declaration of war by Japan, then Germany, was to call a meeting in Washington on 1st January, 1942, of the twenty-five nations already or about to be at war with the Axis powers, which made up the nations of what was later called the United Nations. But on that date it was not possible to go beyond "a mutual and solemn pledge jointly to continue to the end the war against the Axis Powers." After that, nothing more in that line was attempted, the Allies thus pledging showing themselves to be much less "jointly responsible" than they had stated. On the British and Americans weighed the memory of the German-Soviet pact and, correctly, the feeling that Stalin was capable of every political about-face. It was duly known after the war, from the direct hints of certain qualified witnesses and from the revelations of Peter Kleist (*Entre Hitler et Staline*, 1953), that during the whole of 1942, and even after Stalingrad, Stalin had multiplied his overtures, through Finland and Sweden, for a separate peace with Germany and that the British and Americans got wind of it. To the Russians it seemed clear that Hitler had declared war on them only to force the West to a compromise. Even after the American landing in North Africa they gave him all the more chance of winning, as the British and Americans plainly delayed opening a second front in the West.

It was only after 13th January, 1943, that any real steps were taken to meet this ambiguous situation. And that was Roosevelt's declaration at Casablanca that no peace with Germany could be considered before an unconditional surrender. In *As He Saw It* (N.Y. 1946, p. 117) Elliott Roosevelt did not hesitate to say that this initiative was "as good as if Stalin had invented it himself." In fact it threw consternation into the German opposition to the Hitler regime, who had been in touch with the Allies through the offices of neutrels since the beginning of 1942 (*Mémoirs de Schellenberg*, Paris, 1957; and *Carl Gördeler und die deutsche widerstand Bewegung* (*Carl Goerdeler and the German Opposition Movement*) by Gerhard Ritter, Stuttgart, 1954). As for the Hitler regime itself, this declaration inspired it with the energy of despair and strengthened it in public opinion. To Roosevelt's credit it must be acknowledged that in the end (under W. C. Bullitt's influence, who pointed out that he was sometimes able to counteract the influence which his Baruch friends exercised over him) he recognised that the demand for Germany's unconditional surrender could have no other result than to prolong the war for the sole benefit of Soviet Russia. He also sent notes to Churchill and Stalin, on 23rd May, 1944, suggesting a return to Woodrow Wilson's policy, and a direct appeal to the German people over the heads of their leaders, the only stipulation of which was peace on condition of the overthrow of the National Socialist government.

But it was a little late for that, and neither Churchill nor Stalin was interested. Furthermore, things had reached a point where he could no longer exert pressure on them.

Be that as it may, it was still only 1943 and the problem of the further evolution of the situation among the Allies, with regard to the unconditional surrender formula, did not arise. What was plain to them was the certainty that the Axis, henceforth unable to resume any military initiative, was virtually beaten. Just the same, they had to wait until the summer for this certainty to be assured, when the Germans and Italians were pushed out of Africa and the British and Americans landed in Sicily, and then in Italy, which spelled the imminent fall of Mussolini; and until October, when they could organise another meeting out of which it was hoped that constructive solutions for the problems of Europe could be shaped on the ruins of Germany.

This meeting took place in Moscow from the 19th to the 30th of October, 1943, between the Ministers of Foreign Affairs of the U.S.S.R. (Molotov), of Britain (Eden) and of the U.S.A. (Cordell Hull). It was followed by others: from November 22nd to 26th at Cairo (Roosevelt, Churchill, Chiang Kai-Shek), from November 28th to December 1st at Teheran (Roosevelt, Churchill, Stalin), which was the first meeting of the Big Three. Then came Yalta, and finally Potsdam.

On the 30th of October, the Moscow mission ended with the following declaration:

"In consideration of the fact that the United Nations have, on several occasions, announced their intention of bringing the war criminals to justice, the undersigned Ministers of Great Britain, the United States, and the U.S.S.R. declare that the German officers and soldiers and members of the Nazi party responsible for atrocities and crimes, or who have taken a consenting part in their execution in occupied Europe, will be sent back to those countries in which their abominable crimes were committed, there to be judged and punished according to the laws of the liberated countries and the free governments established there."

Although impossible in all other post-war problems, unanimity was achieved in the matter of vengeance — first and foremost, to have revenge. Since then, the taking of revenge has not ceased and the prevailing atmosphere of this post-war period is that of the underworld. How could it be otherwise? Marriage between Bolshevism and the western democracies, even if only a marriage of convenience, was just as contrary to nature, if not more so, than between Nazism and Bolshevism, and nothing else offered any possibility of harmony. One sees only that, thinking they have definitely settled Germany's account, the East and the West have finally begun to settle the one they have discovered between themselves.

In his *Memoirs of the Second World War*, Churchill related that when the hour for those toasts which seal agreements had rung at

the Teheran Conference, a month later, in the mists of champagne and vodka, the Moscow Declaration was evoked. Bending to Roosevelt's ear, Stalin whispered that it would suffice quite simply to shoot 50,000 officers and leaders. "49,500," the other is said to have answered.

And that illustrates the seriousness of those men on whom the fate of the world depended, and all that could be expected of them.

Chapter II

THE PRINCIPLES OF NUREMBERG

This 'war to the finish', although virtually won by the Allies, was carried on for two more years, precisely because it could not be otherwise after the Declaration of Moscow.

And so on August 8th, 1945, the United States, Britain and Russia, whose company France had been permitted to join, full of all the bitter resentments that such a prolonged and merciless struggle had built up, met together in London as conquerors to draw up plans for the "pursuit and punishment of the major war criminals of the European Axis Powers" — in other words, to draw the practical conclusions of the Declaration of Moscow.

Notice the shift in the formula. It was no longer a question of the Germans alone, but of the nationals of the Axis Powers, and no longer of the "officers, soldiers and members of the Nazi Party responsible for crimes, or who took a consenting part in their execution," but of "major war criminals" without further definition which, in the agreement in preparation, so broadened the field that the prosecution shifted from individual to collective punishment.

This agreement, which bears the signatures of jurists Robert Falco (representative of the provisional government of the French Republic), Robert H. Jackson (U.S.A.), Jowitt (United Kingdom of Great Britain and Northern Ireland), I. Nikitchenko and A. Trainin (U.S.S.R.), consists of seven points and says:

a) The establishment of an International Military Tribunal for the trial of war criminals, whose offences have no particular geographical location, to be charged as individuals, or as members of a group, or both. (Art. 1).

b) The return of other war criminals to the countries where their crimes were committed. (Art. 3).

c) For the latter, "national courts" already established, or to be established, will qualify. (Art. 6).

d) To be effective on the date of signature, this agreement "shall remain in force for the period of one year and shall continue thereafter, subject to the right of any signatory to give, through the diplomatic channels, one month's notice of intention to terminate it." (Art. 7).

Article 2 specifies that the "constitution, jurisdiction, and functions of the International Military Tribunal shall be those set out in the Charter annexed to this Agreement" and which forms the "integral part." Article 3 of the Charter declares that "Neither the Tribunal, its members, nor their alternates, may be challenged by the Prosecution, the defendants, or their counsel." Article 3 of the London Agreement initiated a world-wide man-hunt by stipulating: "The Signatories shall also use their best endeavours to make available for investigation of the charges against the trial

such of the major war criminals as are not in the territories of any of the Signatories." And Article 5 states: "Any Government of the United Nations may adhere to this Agreement by notice given through diplomatic channels to the Government of the United Kingdom, who shall inform the other signatory and adhering Governments of each such adherence." Only nineteen countries took advantage of this stipulation: "Greece, Denmark, Yugoslavia, the Netherlands, Czechoslovakia, Poland, Belgium, Ethiopia, Australia, Honduras, Norway, Panama, Luxembourg, Haiti, New Zealand, India, Venezuela, Uruguay, and Paraguay, a total of twenty-three signatories out of the fifty-odd nations which comprised the world then. In Washington, twenty-five nations were represented on January 1st, 1942. In August 1945 the protagonists in this affair did not see that a comparison of these figures in itself constituted a censure in the minds of well-meaning people.

But the practical applications set out in Article 2 of this agreement, and contained in the annexed Charter, were no less strange. The strange can produce only the strange, and only more so. That the very idea of creating all at once a court, jurisdiction, and procedures, without any historical, legal or jurisprudence precedents, did not frighten the so-called civilised nations by its scope and sublteties, can only be explained by the fact that in the chaos of those years they had retrogressed to the level of inexperienced and uncultured peoples. It is a phenomenon related to the psychology of masses whose mental age is lowered in ratio to their numbers. Suffice it to say that the mass expressing itself in this instance, through a few of its members, was several hundred million strong.

What did this annexed Charter contain? First, here is the definition of the offences as set out in Article 6 of Part II of the Charter.

(a) CRIMES AGAINST PEACE: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participating in a common plan or conspiracy for the accomplishment of any of the following:

(b) WAR CRIMES: namely, violations of the laws and customs of war. Such violations shall include, but not be limited to, murder, ill treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in

execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated.

These three principal charges were in reality four. In the list of charges, in fact, the first divides into two: into crimes against the peace, and conspiracy in the intention to commit them — something like that which French law punishes under the heading of "criminal conspiracy." Doubtless the writers of this Charter wanted to make sure that the Prosecutors could establish premeditation, and introduce it under the title "aggravation." Thus, aggravation became in itself a crime.

The two other main charges were already part of the legislation, although summary nevertheless real, of the Hague, and later the Geneva Conventions. In case of war, as we have seen, the belligerents agreed not to act in any way that could be interpreted as unchivalrous, or as a criminal violation of the laws of humanity. For example, civilian populations were protected against bombardment, rape, and pillage; prisoners of war could not be used by the enemy either as soldiers or as workers in armament industries. The wounded were not to be killed or tortured; but no provision was made for *franc-tireurs* and spies. All that came under the heading "war crime." The Nuremberg Charter made a distinction between this and crimes against humanity, but that was an innovation of form only; the two things were thus distinguished by words, but not in fact.

In the interpretation and treatment of the texts each belligerent was accountable under pain of fine, to police its own ranks and prevent infractions. In practice, this theory, inherited from the personal combat of Knighthood, or the line battles of the Fontenoy type, which no one ever recognised could not be adapted to a confrontation on land, sea and in the air, by masses provided with modern, murderous armaments, was shaped into a standard scenario, good for all wars, and offering infinite possibilities to a propaganda machine designed to maintain the morale of combatants on either side of the firing line. The war, justified by mutual accusations of treaty violation, in spirit or in letter, continued, justifying itself by mutual accusations of crimes — the Belgian child, the extermination camps, blanket bombing of civilians, Dresden, Leipzig, Hiroshima, Nagasaki, etc. When the war was ended, the world could think of nothing but getting something from the losers: the judgement of God in the modern form of a legal duel inherited from trial by ordeal.

The war which bred these crimes, on the whole minor, and which inevitably implicated them, was nevertheless not considered in itself a crime with inherent legal consequences — the fate of the losers was considered to be within the competence of the political power of the victors. At the level of public opinion, they were the object of abusive sarcasm, indeed, of tribal demands for punishments aimed at their chiefs, but these manifestations revealed

more a need to relieve frustrations in mockery than an interest in vengeance. Political power was not to revert to the universally condemned ways of Julius Caesar strangling Vercingetorix in his prison, or of those feudalists of the Middle Ages who sent each other to rot in dungeons. And after that time it did not go beyond the punishment of exile, if, indeed, the losers did not go into exile of their own accord. In demanding that Kaiser Wilhelm II be handed over to the Allies to be judged as the one responsible for a war to which the idea of crime had been attached only because of its length, scope and unequalled ferocity, the Armistice Convention and the Treaty of Versailles — which put an end to the First World War — by creating a process for the jurisdiction of an exceptional court, had taken a step which neither the Treaties of Vienna of 1815 against Napoleon I, nor that of Frankfurt in 1871 against Napoleon III, had dared to do. But, in 1919, the intellectual level of the rulers had not fallen so low that this step could be taken, and it was renounced. Moreover, it should be noted that in 1919 a strong current of world opinion tended to embrace in the same reprobation the rulers of both the victors and the losers, of all the belligerents, and this came within an ace of triumphing.

Thus, if the Nuremberg Charter made innovations in matters of definition, it is only in connection with crimes against the peace coupled with the crime of conspiracy, with regard to its planning and execution (para. a) of Art. 6). But, from the moral as well as the legal point of view, the scandalous thing about this innovation was that it was presented in the form of a law, written for the first time, designed to punish offences, on various grounds, the most obvious of which, if not the most important, being that they had been committed *before its promulgation.*

The non-retroactivity of laws is, in fact, one of the sacred principles of our culture. And if our moral system holds that "ignorance of the law is not excusable," it is also claimed that where no law exists there can be no offence and consequently no punishment. *Nulla poena sine lege*, the universal conscience is still pleased with itself for having discovered in our heritage from the Romans this formula, which was the basis of their law and more than 2,000 years later, remains the individual's only, and very narrow, protection against arbitrary power.

The answer given to those with mental reservations was "Pure formalism; all of little import, since these people are criminals they cannot claim so much consideration." But, fifteen years later, the Eichmann Trial, which was Nuremberg all over again — but worse — and which unfolded in an atmosphere of undeniable disapproval, showed more clearly that the problem of the criminal was far from being settled by the definition in the Charter, after the definition of the crime. Everything is linked together. It was self-evident that any objection would be useless. One could, in fact, have argued that at any rate the violation of an everyday rule of conduct, to the detriment of anyone, since it is admitted,

would create a precedent to legitimise the violation of all the others, and since the very essence of law is that it is the same for all, the criminal too, is entitled to justice, even purely formal. In this, furthermore, the form was one of the moral requisites recognised by the law, and itself constituted the basis of the legal problem.

It could certainly be said that five years of massacre, of Apocalyptic proportions, had so deeply confused men's minds that the best organised among them could not escape the common fate, and were no longer sensitive to moral requisites and principles. Doubtless this will be said, and with reason. But did the confusion have to be so deep that nearly everyone, including the elite, forgot these requisites, even in the realm of experience? For on this point, at least, history is full to bursting of criminals whom their descendants have refused to recognise and whom circumstantial jurisdictions disavowed the next day.

* * * * *

In a book which made a certain stir and brought its author his hour of fame, a great French teacher of his time, the philosopher Jean-Marie Guyau, who met too early a death (1854—1884), laid the foundation for a moral system which did away with duties and penalties and which, carried over into law, rendered totally useless, even harmful, "the judges, the rack, the gallows and the hangmen" mentioned by Molière.

Although J.-M. Guyau is almost forgotten today, at the turn of the century much was said and written about his ideas, sometimes stupid and abusive things. The anarchists, whose star was rising, immediately adopted him and not only the anarchists, but an important sector of liberal opinion, although only in principle. When President of the Republic Fallières, by systematically exploiting the *droit de grâce* (right to pardon) during his Septennate, practically abolished the death penalty, while Anatole France, whose aphorisms were not always happy, loudly proclaimed his support, as far as common law but not political right was concerned, many good people justified both in Guyau's name, but wrongly because that was an entirely different matter.

Be that as it may, it seems to me that the principal idea to be derived from this remarkable book is this: in not addressing the individual conscience, which is alone of permanent worth since it only can speak in term of justice, but in addressing the collective conscience, of which it is the expression, and which is concerned with circumstances and speaks only in terms of self-interest, the law is nothing more than a precept without fundamental bases, and respect for it, purely mechanical, can only be gained by force. However, to speak of coercion is to speak of revolt, and to speak of revolt is to speak of the relation of forces between society and individuals. What is grievous is that this relation of forces, which is forever defined and re-defined according to circumstances, being

in the end its only basis and only justification, the law removes little by little all the strictures of the conscience and leaves to circumstances the distinction between vice and virtue, the delinquent and the honest man, and the margin between them becomes morally non-existent.

And now we are back to the Nuremberg trial. The role of the individual was played by Germany in the persons of its *de facto* representatives — since the rule still holds that Brutus must assassinate or eliminate Caesar, could a people conceivably have *de jure* representatives? The role of society was played by the group of associated nations who were indicting her, after having brought her to her knees. Therefore, it was entirely an affair of circumstances, and relations of forces. Who will deny, for example, that if the military outcome had been the other way around, the trial would have been conceived and carried on in the same way, but with the Allies on the bench of the accused and Germany in the judge's seat? If Hans Frank (writing in *In the face of the gallows*, published by his widow at Neuhaus near Chiemsee in 1955) is to be believed, Hitler had decided, once the war was over, to bring Roosevelt, Churchill, etc. to trial for "war crimes." There is no doubt that he would not have defined the crime with any more respect for form, nor punished the criminal any the less.

This criminal — Article 6 of the Nuremberg Charter presents him in this way: "Leaders, organisers, instigators and accomplices participating in the formulation or execution of a Common Plan or Conspiracy to commit any of the foregoing crimes are responsible . . ."

The first inescapable observation is that, if in the minds of the authors, this text refers only to Germans, which would represent so high a proportion of criminals in a people that reason would refuse to accept it, in its letter it does not refer only to Germans, thereby raising the figure to a world scale, even less admissible.

When, on October 18th, 1945, after the bill of indictment had been issued, the Tribunal met in Berlin in its first public hearing, to put the finishing touches to the preparations for the Trial, and those criminals had to be named whose crimes were "without geographical location," we find:

Hermann Wilhelm Goering, Rudolf Hess, Joachim von Ribbentrop, Robert Ley, Wilhelm Keitel, Ernst Kaltenbrunner, Alfred Rosenberg, Hans Frank, Wilhelm Frick, Julius Streicher, Walter Funk, Hjalmar Schacht, Gustav Krupp von Bohlen und Halbach, Karl Dönitz, Erich Raeder, Baldur von Schirach, Fritz Sauckel, Alfred Jodl, Martin Bormann, Franz von Papen, Arthur Seyss-Inquart, Albert Speer, Constantin von Neurath, and Hans Fritzsche, Individually or as members of Any of the Following Groups or Organisations to which they respectively Belonged, Namely:

Die Reichsregierung (Reich Cabinet); Das Korps der Politischen Leiter der Nationalsozialistischen Deutschen Arbeiterpartei (Leadership Corps of the Nazi Party); Die Schutzstaffeln der

Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS") and including Der Sicherheitsdienst (commonly known as the "SD"); Die Geheime Staatspolizei (Secret State Police, commonly known as the "Gestapo"); Die Sturmabteilungen der NSDAP (commonly known as the "SA"); and the General Staff and High Command of the German Armed Forces, all as defined in Appendix B of the Indictment.

If one takes into account that the text also included accomplices, it was enough to have been a member of the SS, which numbered about 3,000,000 persons (accomplices of Himmler), or to the Hitler Youth with about 13,000,000 (accomplices of Baldur von Schirach), or to the Strength Through Joy organisation, which corresponded to our Friends of Nature, and had about 30,000,000 (accomplices of Ley), etc., you might as well say all of Germany, or very nearly all. Thus it was that since the crime had to all appearances become collective, collective punishment, before which all the moral thinking of the world, except in tribal custom, has recoiled in horror, was introduced into international law. And it was only after eight years of constant effort, in 1953, that M. Raymond de Geoffre de la Pradelle, world famed French jurist, succeeded in having it removed.

All of Germany, or nearly, I said. In fact, even after fifteen years, during which time the population has considerably renewed itself, there is still only a small minority of Germans who have not at least a close relative, if it was not they themselves, who has been tried in a de-Nazification court and sentenced, usually with a heavy fine. And it is enough to read the reports of the thirteen Nuremberg trials to realise that all of Germany was the object of the bill of indictment, and the Prosecutors' addresses to the court, and that it was Germany herself condemned by the judgements passed. It did not occur to the Prosecutors or the judges, or to anyone else, that to decide that 70 million people in a nation of 70 million inhabitants were guilty, was tantamount to saying that those 70 millions were innocent. If the concurrence of world opinion was obtained in such a verdict it would only be by surprise, and in any case, neither ethics nor history could unreservedly approve such a verdict.

Through which cracks in the wall of closed minds ethics and history opened a triumphal path will, without fail, be argued some day. Neither the materiality, nor the fact that they were produced under the pressure of political necessity, will ever be contested of two of them: Russia and Israel.

In fact it is Russia who gave the first blow of the pick-axe to the legal edifice so laboriously constructed at Nuremberg. In order to better justify her policy of isolating West Germany, she said that it was a den of Nazi nostalgics, of traditionally impenitent militarists, and of revenge seekers, at the disposal of the Americans. In order to profit by a show of contrast, she lifted the burden of guilt from the 18 to 20 millions of East Germans, by saying that they had

simply acted without judgement, that is, that they were innocent. It is clear that by the same kind of reasoning the West Germans could, in turn, become 50 to 52 million innocent people, and that by conceding that a sense of conscience is not noticeably more developed in the leaders of people than in the people themselves — hardly disputable — even those who were hanged at Nuremberg would be no exception to this general formula for innocence.

Let us have no illusions. Those who come after us will surely decide that this is so. Even now, no one believes any longer that if the Nuremberg Trial were held over again the accused would be hanged. In his *Nuremberg Diary*, Dr. Gilbert, who was the "Psychologist" of the trial and spent a year studying the accused in their prison, and who, in that capacity, testified at the Eichmann trial in Jerusalem, describes them as in no way differing from the mass of ordinary people encountered on any street, at all levels of the social hierarchy. And he asserts that what happened in Germany could happen anywhere, that human nature could, in certain circumstances, furnish other examples of the acts of which they were accused. It could not be better put. A crime which can be committed by anyone anywhere, for which only human nature and circumstances are responsible, is not a crime. Or else we are all assassins and our judge is not among us.

The case of Israel is hardly different from that of Russia. Massed at the foot of a world-sized wailing wall, day and night for fifteen years, Zionists from all over the world — all Israelis are not, happily, Zionists — have cried unceasingly, every day more gruesomely, every day more agonisingly. The purpose is to publicise what they consider the true and apocalyptic proportions of the horror and the tortures the Jewish world suffered from Nazism, and thereby to increase the amount of reparations which the State of Israel receives from Germany.

This is a sordid affair of money. In 1956, when it was clear that the world was refusing to fall into step with the international Zionist movement in this enterprise, to make Germany an everlasting milk cow for Israel, a book by a certain Alex Weissberg called *L'Histoire de Joël Brand*, with the subtitle, *Un Troc Monstrueux, un million de Juifs pour dix mille Camions* (*The monstrous barter: 1 million Jews for 10,000 trucks*) was published, which, in the light of paragraph c) of the definition of crime in the Nuremberg Charter, was a veritable bill of indictment against Britain and the United States, rightly considered by the Zionist movement as responsible for the failure of the enterprise. The blackmail was obvious. It was based, nonetheless, on solid grounds. Britain and the United States were untroubled.

Roughly, this was the theme: because she had opposed, even after 1933, the emigration of European Jews to Israel through application of the Balfour Declaration, more particularly because she had, in December 1938, politely got rid of Dr. Schacht who had been sent by Hitler to London to propose their transportation

en masse to Palestine, Britain should be declared co-responsible for their massacre. And all the more so because in 1944 she wrecked a proposal of Himmler's which would have opened the door to safety for a million Jews. The United States was responsible because they had in every case supported Britain's actions. France, too, was included, although more discreetly — in 1940—41 she had blocked a plan to transport all the European Jews to Madagascar.

The enterprise which hung fire in 1956 was renewed in 1961 during the Eichmann trial, and in such terms that many people were led to question whether this was not one of the principal objects of this trial. Two things were announced to take place together: 1) Joël Brand, the principal actor surviving the deal to exchange 10,000 trucks for one million Jews, appeared on the witness stand, with hitherto unpublished documents of conversations concerning that deal, which amounted, in fact, to a violent indictment of Britain and the United States, 2) and a private trip that M. Ben Gurion was to take incognito "to France and to Canada, a trip he would take advantage of to pay an official visit to London, from Paris, and to Washington from Ottawa." (Newspapers, May 24th)

At that time, the pretence in the plan was pointed out. Rather than Paris and Ottawa, were not London and Washington the real destination of M. Ben Gurion's trip, where he wanted to make a bargain for his silence?

Britain and the United States were no more troubled than they were in 1956. M. Ben Gurion was invited neither to London nor to Washington, nor was the snub overlooked.

On the stand before the Jerusalem Tribunal, Joël Brand unwrapped his package on the 29th and 30th of May. The Prosecutor raised the bid, and, so as not to create any jealousy, brought Russia in too, *a propos* of a bombardment of the Auschwitz "gas chambers" which the Jewish leaders in Palestine in 1944 had requested, and which Russia, too, lining up with Britain and the United States, had said was "impossible for technical reasons." How, indeed, could the gas chambers be destroyed by aerial bombardment without annihilating at the same time many if not most of the prisoners in the camp, Jewish for the most part?

This sort of argument, moreover, offers no loophole. Had the Allies deferred to the request of the Jewish leaders in Palestine, they would today be accused of having aided Germany in the extermination of the Jewish people under the fallacious pretext of destroying the gas chambers, an operation they would have bungled — intentionally their accusers would say — just as they failed in so many other of their objectives throughout the war.

Now we are at this point: while Germany is indirectly cleared through a false step on Russia's part, a wrong move on the part of the international Zionist movement and the State of Israel puts the Allies, the judges, on the bench of the accused with the Germans. We will return to the first of these mis-steps. Of the

second, one could deplore the fact that it hinged on blackmail, and that it includes worthless arguments, although on the whole, and with regard to the Nuremberg Charter, it comes to amply justified conclusions. Of both, it can only be said that they are complementary in that they together and perhaps unwittingly reopened the door to the proposition that all the belligerents in all wars are collectively responsible, a view world opinion regarded favourably right after the war of 1914—1918.

However comforting this result may be, it must not make us forget that this idea of the responsibility of the Allies was circulated by Israel and the Zionist movement only in connection with crimes against humanity (paragraph c. of Art. 6 of the Charter), Germany remaining solely responsible with regard to paragraphs a. (crimes and plots against the peace) and b. (war crimes).

If it is also possible to apply these other two paragraphs to the conduct of the Allies during and before the war, it is on the answer to this question that the historians' verdict depends.

An examination of the indictment of crimes and plots against the peace will revive in its pitiless materiality the whole chain of events from 1919 to 1939.

Chapter III

CONSPIRACY AND CRIMES AGAINST PEACE

As defined in paragraph (a) of Article 6 of the Nuremberg Charter, crimes against the peace were concerned either with aggravation or participating in a conspiracy with the intention of perpetrating such acts of aggravation. As has been pointed out, premeditation had to be established.

This is roughly the way the indictment went, on this point: in the course of 1920, a number of not very respectable individuals, scattered all over Germany, arranged to meet at various places, principally in Munich, where they formed an association of malefactors whose purpose was to launch aggressive warfare against neighbouring states. Hitler became the head of this association in 1921. They must have been fairly astute, since they managed to give this association the baptismal name N.S.D.A.P. (National Sozialistische Deutsche Arbeiter Partei), and the appearance of a political party. They must have been fairly intelligent, too, since they understood that in order to launch aggressive warfare against neighbouring states, it had absolutely to be done in the name of Germany, which seemed to indicate that they must first seize power. Hence, the conspiracy against peace — which in more modern and more diplomatic language would be called conspiracy against collective security — was in addition found to be tied in with conspiracy against the internal security of a state. As for premeditation, that had been in the air for nearly twenty years. It must be conceded that rarely have criminals had so much time at their disposal, to take stock of their crime, and thus to become more guilty.

Taking things in chronological order, the Tribunal first had to pass judgement on the conditions under which the accused had seized, consolidated and maintained power, the methods used, particularly subversion by terrorism, the domestic doctrine that was applied, etc.

I would like to be clearly understood. I, too, condemn National Socialism, Fascism, Bolshevism, and in general all doctrines that, on the pretext of arousing a revolutionary spirit, preach insurrection and the seizure of power, by means of subversion by terrorism, doctrines to which, after success has been achieved in a blood bath, their followers are held fast by more or less open, and always ferocious, repression. But my purely philosophical censure is separated by a gulf from the condemnation of legal authority. I disapprove of their conception of life and their methods, but I also disapprove of the use of coercion against National Socialism, Bolshevism, Fascism, etc. to prevent them from expressing themselves, or to send them to the gallows, if by chance they lose the play-off in a tied match. In the name of that special liberty which belonged only to those who had won it, St. Just

killed the French Revolution. Freedom belongs to everyone, even to those who fight against it. All these disoriented people are, furthermore, only the product of disoriented societies, whether it is a question of Spartacus or Hitler, Mussolini or Castro, Lenin or Franco. To call the one lot criminals and the other benefactors is only a political viewpoint, and will not stand up under examination. It is the same sociological problem for all, in that all are morally or philosophically culpable; they are all juridically innocent, which cannot be said of the social structures themselves, which are all morally, philosophically and juridically culpable. As long as there are societies which oppress, there will be rebels to resist with violence, and — alas! — many more rebels who are taken for revolutionaries, than there are true revolutionaries. Therefore, it is societies which must be attacked, not men. The guillotine, according to the wisdom of the ancients, can eliminate the criminal, but not the crime; nothing could be truer.

But these considerations are only subjective. In all objectivity it can rightly be claimed that among the judges one at least was not qualified to condemn the origins, ideas and methods of National Socialism, because his own origins, ideas and methods were in every point similar to those of National Socialism, and his place should have been on the bench of the accused, not that of the judges. And as for the others, they were hardly better qualified, since in their origins, ideas and methods they did not refuse to deal with that 'association of malefactors'; until 1939 its ambassadors and other emissaries were recognised and respected in all the capitals of the world and therefore in their own, and it had a place at Geneva in the League of Nations. It was even politely regretted when the 'association' departed slamming the door. And since then, what were they all busy with? Since when has International Law been entitled to sanction a government which a people, in one way or another, makes for itself, or to which it submits, beyond the right granted to the government of other peoples to recognise it or not, to maintain or not to maintain relations with it? Strictly speaking, one could understand if this had happened to the German people, because it is traditional for a victorious insurrection to massacre the representatives of the power it has overthrown or, the other way round, that the existing power massacres the leaders of an insurrection that failed. But for a Tribunal, international besides, not elected (except by force of arms and by itself), to declare itself qualified passes all understanding. So far as I know there never has been and never will be, I hope, any question of shouldering arms to free the Russians from Kruschev, the Cubans from Castro, or the Spaniards from Franco. We are no longer in the era of Metternich and the Congress of Vienna, and the Holy Alliance.

As for the seizure of power by subversion, the methods by which the accused were charged could not be compared with those employed by Kruschev in Hungary, Fidel Castro in Cuba, or

Franco in Spain. If it was actually a question of subversion by insurrectional violence up to November 8th, 1923 (the date of the Munich *putsch* that did not come off), from that date on the N.S.D.A.P. no longer considered taking over power except by constitutional and legal means. There is no question that its propaganda retained a certain violent character, that all the public meetings were conducted with the protection of its own police force (S.A. — Stürmabteilung, security service, then S.S. — Schutztaffel, elite security service), nor that these S.A. and S.S. were not armed to the teeth and had quick reflexes and a heavy hand. But it must also be taken into account that the actions of the N.S.D.A.P. were in response to the communists' threat to put a stop to the meetings with violence, and to achieve this by sending in elements just as heavily armed, just as quick in reflex and just as heavy-handed. On them, in addition, lay the responsibility for provocation.

With this exception, for which its adversaries were responsible, the N.S.D.A.P. pursued the conquest of power by those methods employed by all parties in all countries where party activity is free, that is, by means of elections. I do not deny that there was still a question of subversion. In my opinion, in all the democracies in the world, those who carry the elections are those who have the money, and are best able to subvert public opinion through the written and spoken press, that is, the ones who can buy the greatest number of papers. This was not the case with the N.S.D.A.P. before 1930, and until then the election results were not brilliant. But, from 1930 on, once heavy industry had sided with them, everything changed, as can be seen by the German Reichstag election tables, 1924 to 1933 (compare the votes obtained by the N.S.D.A.P. with the number of unemployed at the time of voting):

	I. From 1924 to 1930			
Dates	**Votes won**	**%**	**Seats**	**Unemployed**
May 4th, 1924	1,918,000	6.6	32	320,711
December 7th, 1924	908,000	3.0	14	282,645
May 20th, 1926	810,000	2.6	12	268,443
	II. From 1939 to 1933			
Dates	**Votes won**	**%**	**Seats**	**Unemployed**
September 14th, 1930	6,407,000	18.3	107	1,061,570
July 31st, 1932	13,779,000	37.3	230	5,392,248
November 6th, 1932	11,737,000	33.1	196	5,355,428
March 5th, 1933	17,265,800	43.7	288	5,598,855

Heavy industry was just as worried by the mounting unemployment as the working class. Contemporary economists generally agree that when the percentage of unemployed exceeds 5% of the active population, there is a danger of social disorders. Precisely, at the beginning of 1930 this margin of tolerance was not only reached but passed. Furthermore, the consequences of the Wall Street crash, which were beginning to be felt in Europe, gave a

disturbing indication that this rate was rising. Finally, after the fall of the German Mark, heavy industry attributed the collapse to the government parties, and registered their inability to correct the situation. In a word, they had no other card to play but National Socialism, and they played it, cautiously at first, behind the scenes, and then openly. That explains the reversal of the electoral trend after the ballot of September 14th, 1930.

In the second half of 1932, when the two dissolutions that brought about the balloting of July 31st and November 6th had shown that the possibility no longer existed of finding in the Reichstag a majority of the kind of the earlier parliamentary coalitions, the national parties (Centre Party and Catholic Bavarian Party), whose leaders were respectively Hugenberg and von Papen, turned to the N.S.D.A.P. — the first just for a short time and the second for good. Thus it was that on January 30th, 1933, Hitler was appointed Reich Chancellor by old Marshal Hindenburg, then President of the Republic. (In similar circumstances, President Coty appointed General de Gaulle Prime Minister on June 30th, 1958). In the elections which took place the following March 5th, the Hitler-Papen tandem was triumphant: 288 seats for the first, 52 for the second, or a total of 340 out of the 648 seats of the Reichstag, thus an assured majority of 16 in the electoral body, 52% of the vote.

Up to this point everything took place in conformity with pure democratic tradition, as it is understood by democrats today.

If there was conspiracy the number of accomplices is impressive and it would be a mistake to think that they were all German. We know, as I have just said, that the accession to power of the N.S.D.A.P. was financially, and very substantially, assisted by German heavy industry. This aid came from the Central Propaganda Treasury, whose distributors were the banker Schroeder, and Hugenberg. Now, when the German Mark began to depreciate during the Weimar Republic, almost all the industries which contributed to that fund were subsidised by British or American banks or trust companies. For example, the American chemical consortium Dupont de Nemours, and the English trust Imperial Chemical Industry, subsidised I.G. Farben, with whom they shared the world explosives market, and the Dillon Bank of New York subsidised the Vereinigte Stahlwerke, a German steel trust. Others were subsidised by Morgan or Rockefeller, etc. Thus, the Pound and the Dollar were part of the conspiracy which brought Hitler to power. But no one has heard that the Dupont de Nemours, the Dillons, Morgans, Rockefellers, etc. were summoned to appear as accomplices before the Nuremberg Tribunal.

At the time when this conspiracy was directed against collective security, that 'association of malefactors' did not lack for political aid and abetment from outside; Britain in the matter of rearmament (naval agreement of June 18th, 1935), Russia in the matter of aggression (German-Soviet pact and the partition of

Poland), even France, if you take into consideration, *a propos* of Munich, the condemning of pre-war governments by post-war governments. But, for all that, there was no question of having them leave the judges' bench for that of the defendants.

Here we touch on the heart of the problem of crime against peace. This is described in Article 6, paragraph a. of the Indictment as follows:

The aims and purposes of the Nazi Party and of the defendants and divers other persons from time to time associated as leaders, members, supporters or adherents of the Nazi Party (hereinafter called collectively the "Nazi conspirators") were, or came to be, to accomplish the following by any means deemed opportune, including unlawful means, and contemplating ultimate resort to threat of force, force and aggressive war:

1. To abrogate and overthrow the Treaty of Versailles and its restrictions upon the miliary armament and activity of Germany;

2. To acquire the territories lost by Germany as the result of the World War of 1914—18 and other territories in Europe asserted by the Nazi conspirators to be occupied principally by so-called "racial Germans";

3. To acquire still further territories in continental Europe and elsewhere claimed by the Nazi conspirators to be required by the "racial Germans" as "Lebensraum" or living space . . .

The first point was aimed at: Germany's secret rearmament from 1933 to 1935, after that carried on openly; her departure from the League of Nations on October 14th, 1933; the decision to build up a military air force, March 10th, 1935; compulsory military service restored on the 16th of the same month, with a peace-time strength fixed at 500,000 men; the re-occupation of the Rhineland on March 7th, 1936.

The second point was aimed principally at Silesia, divided up among the tiny artificial states created by the Treaties of Versailles and Saint Germain, the Danzig corridor, Teschen, Malmédy, etc. It might have included the Saar, too, if the Saar had not almost unanimously voted by plebiscite, on January 13th, 1935, to return to Germany.

As for the third point, which embraced all the territories conquered by the German armies in operations against Poland, Russia, Norway, Denmark, Luxembourg, Belgium, the Netherlands, Greece, Yugoslavia, etc., which should have been dealt with in peace treaties, once the war was over, it stated precisely how the responsibility for everything that had happened fell solely on Germany:

"(Their) aims and purposes were not fixed or static but evolved and expanded as they acquired progressively greater power and became able to make more effective application of threats of force and threats of aggressive war. When their expanding aims and purposes became finally so great as to provoke such strength of resistance as could be overthrown by armed force and aggressive

war, and not simply by the opportunistic methods theretofore used, such as fraud, deceit, threats, intimidation, fifth column activities, and propaganda, the Nazi conspirators deliberately planned, determined upon, and launched their aggressive wars and wars in violation of international treaties, agreements . . ."

The Tribunal acceded to these conclusions arrived at by the Prosecution, and recorded them as justified in the judgement rendered (Volume I, pp. 184 ff). It appeared clear to them, from the documents produced from the beginning, that there really had been a conspiracy hatched by the Germans in 1920, with the intention of committing these crimes, of which they were accused, and that they had committed them deliberately and in full knowledge. The most important among these documents were: the programme of the N.S.D.A.P. made public in Munich on February 25th, 1920 (in 25 points, of which the first three were considered particularly incriminating); a number of extracts, out of context, from the speeches of Hitler to the Reichstag, in the Sportspalast, or in other public places; a number of the same person's talks to the General Staff, in particular that of November 5th, 1937 (Hossbach document, P.S. 386, original Volume XXXVII, pp. 546 and 556, and in French, Volume II, pp. 281-288), and on August 22nd, 1939, for which three contradictory documents existed. The two most contradictory were retained by the Tribunal (P.S. 798, Volume XXVI, pp. 338—344, and P.S. 1014, Volume XXVI, pp. 523—524).

And now I would like to call attention to something all these documents had in common: the distortions made of them which appeared in the translations and which formed the basis — the distortions, not the texts themselves! — of the argument maintained by the Prosecution and upheld by the court.

For example, point 1 of the N.S.D.A.P. programme of February 20th, 1920, reads: "*Wir forden den Zusammenschluss aller Deutschen auf Grund des Selbstbestimmungsrechtes der Voelker zu einen Gross-Deutschland.*" (We demand the union of all Germans on the basis of the right of self-determination of peoples into a Greater Germany.) Used at the trial, we find the following translation: "*Nous demandons la réunion de tous les Allemands dans la 'Plus Grande Allemagne' en accord avec le principe de droit des peuples à disposer d'eux-mêmes.*" (We demand the reunion of all Germans into the "Greater Germany" in accordance with the principle of the right of self-determination of peoples.") One is obliged to see that by putting quotation marks around the words "Greater Germany" where none existed in the original a change which alters the meaning of the text has been made.

The same holds for point 3, where the original reads: "*Wir forden Land und Boden (Kolonien) zur Ernaehrung unseres Volkes und Ansiedlung unseres Bevolkerungsüberschusses,*" (We demand land and soil (colonies) for the nourishment of our people and the settlement of our excess population).

"Nous demandons de la terre et des territoires pour nourir notre peuple et la possibilité d'employer à la colonisation l'excédent de notre population." (Volume II, p. 185). (We demand land and territories for the nourishment of our people, and the possibility to employ our excess population in colonisation). Here the suppression of the parentheses and the word between them shifted the main point of the article to second importance, namely the colonies.

The same thing again with the Hossbach document, a series of conjectures written in the hypothetical conditional mood, but translated as a series of statements in the present tense, from which it was deduced at Nuremberg that Hitler had already decided by November 5th, 1937, as head of the government, to resort to that war which he (according to the indictment), as head of the party, had decided on back in 1920, as the only way to resolve the German problem.

The Hossbach document was considered most accusatory because of this sentence: *"La question allemande ne pourrait être résolue que par force, laquelle ne va jamais sans risques."* (The German problem may not be resolved except by force, which is always attended by risks) which was translated as *"La question allemande ne PEUT être résolue, etc."* (The German problem *can only* be solved by, etc.) At the time all politicians everywhere, with a few exceptions, formed the same opinion, "the only way to stop Germany from realising her objectives is with force." This was an application of the famous Roman adage, *Si vis pacem para bellum* (If you wish for peace, prepare for war), which was and still is the rule all over the world, witness General de Gaulle's New Year Message to the French troops on January 1st, 1962. "Prepare yourselves," he said, "prepare yourselves for great warrior actions which may be imposed upon the nation, and her European allies. That the destiny of France is linked with her military power has never been more true." This is a good deal more specific than the words the Hossbach paper puts into Hitler's mouth as he addresses his military commanders. Should we conclude that if this war for which they are to be prepared could not be averted, and should end in another Nuremberg, the General would be hanged? And if one day war breaks out between the U.S.A. and Russia (a war which, like the war of 1939—45, could not fail at once to become a World War) will Kruschev's famous speech to the U.S. in 1961 be remembered when, striking at his desk with his shoe, he threatened the United States with complete destruction?

It should be further clearly stated that, the following year, when it became a question of translating into action the first of the eventualities hypothesised in the Hossbach document (Czechoslovakia), Keitel's directive determining the preparatory steps to be taken, specified on December 17th, 1938, "Externally it must be very clear that it is only a question of a peaceful action, and not of a military operation." (Not retained at Nuremberg by

the Prosecution or the court.)

We have an explanation of the interpretation of the text of the Hossbach document, given by W. L. Shirer — unless it was given by the French translator, since it does not appear in the German edition — in a footnote to p. 333 (p. 305, American edition) in his book *The Rise and Fall of the Third Reich.*

"Almost all the German records of the remarks of Hitler and of others in private talks were written down in the third person as indirect discourse, though frequently they abruptly slipped into direct, first-person discourse without any change of punctuation. This question posed a problem for American English.

"Because I wanted to preserve the accuracy of the original document and the exact wording used or recorded, I decided it was best to refrain from tampering with these accounts by rendering them into first-person direct discourse or by excluding them from within quotation marks. In the latter case it would have looked as though I were indulging in liberal paraphrasing when I was not.

"It is largely a matter in the German records of verb tenses being changed by the actual recorders from present to past and of changing the first-person pronoun to third-person. If this is borne in mind there will not be, I believe, any confusion."

It was Hossbach, the recorder of the report, who used the wrong tense, as Mr. Shirer knows better than anyone else. The prosecutors and the judges knew it too. I think falsification could hardly be more ingenuously confessed. Thus, at least on this point, the defendants were condemned on the basis of what Hitler was supposed to have said, not on what he did say. If they knew that their report was in addition in no way official, that it was written down on the 10th of November 1937, five days later, from notes hastily taken on the 5th, that it was not read over by the person concerned, nor brought to anyone's attention (Volume XIV, p. 40) the historian and judge of the future will certainly be startled. And the same holds for the Schmundt document.

One last comment *a propos* of this document. On May 16th, 1946, Dr. Siemers, counsel for Admiral Raeder, cast a doubt on the authenticity of the document because it was not labelled "State Secret" (Volume XIV, p. 40). A written deposition was requested of the author, who had been located, but not his appearance in court; that would have been too dangerous. On the 18th of May, 1946, he said that he could not guarantee that the text presented to the Tribunal was an exact copy of his notes (Volume XLII, pp. 228—230).

The case of documents P.S. 798 and 1014 is even more typical. On August 22nd, 1939, Hitler gave a talk to his military leaders which, it is very likely, no one was asked to type out. But, on November 26th, 1945, the Prosecution preserved three versions of the talk, all of which were claimed to be authentic (probably they had not been read) even though they were obviously in

contradiction to each other. Moreover, not one of them had been communicated to the Defence beforehand, as required by the Charter, although all three had been released to the press. At the end of the reading of the second version the Defence objected, arguing first that procedure had been violated, second that it was not possible to put in evidence two contradictory documents concerning the same event. The objection was overruled. However, the third version was dropped. And until May 16th, 1946, for nearly seven months, the Prosecution maintained its general thesis, leaning, to the applause of the international press, first on one version and then on the other. Each time the Defence naturally wanted to object, and each time it was cut short.

Finally on May 16th, 1946, Dr. Siemers, counsel for Raeder, who was implicated in both documents, became angry. He was not, however, being difficult since he was quite willing to have one document accepted, but not both. Nothing could be more logical.

The President saw that this time he would not desist. "What are your reasons?" he finally asked.

Dr. Siemers: " . . . this document (he was speaking of the more vulnerable, P.S. 1014) is nothing but two pieces of paper headed "Second Speech by the Führer, on 22 August, 1939." The original is without a heading, has no file number, no diary number, no stamp 'secret', no signature, no date . . . On all the documents which the Prosecutor has submitted, even in the case of minutes, you will find the date of the meeting, that of the drafting of the minutes, the place where the minutes were typed, the name of the person who typed them, a stamp 'secret', or some other. Furthermore, Hitler certainly talked for two and a half hours. I believe it is also generally known that Hitler spoke very fast. It is out of the question that the minutes could be only 1½ pages long if they are to give the meaning and content of a speech which lasted 2¼ hours. Later, I will submit the original of document P.S. 798. I am not an expert on handwriting or typewriters, but it is plain to see that this document, which bears no signature and whose origin we do not know, was written on the same kind of paper and with the same typewriter." (Volume XIV, p. 51).

A long discussion began. It will suffice to give the argument of the Prosecution presented by Thomas J. Dodd, American Trial Counsel who, after having said that he would make an effort "to find out where this document came from, that all that he knew was that it had been captured in the German archives, and, as such, was to be admitted," concluded:

" . . . whether true or not, it is a question of weight. On my respectful submission, we cannot go into intrinsic comparisons in order to decide the admissibility of the document. We would have a great deal to do if we compared the documents in detail. It is a question we do not have to discuss." (Volume XIV, p. 53).

A last objection by the Defence, then the President: "Yes, very well. The request to strike out the minutes of document P.S. 1014

is denied."

One document was as false as the other, and if the Tribunal had admitted it about the second, given what Dr. Siemers said, they would have had to admit it about the first. They did not fall into the trap. There was another reason for having the second document admitted, in spite of the flagrant contradiction, and that was that it contained three important sentences, not found in the first: "Destruction of Poland, main objective. Aim: elimination of vital forces, not an attempt to arrive at a certain line . . . close your hearts to pity, adopt a brutal attitude . . . I am only afraid that at the last minute some swine will propose an arbitration plan."

In his anxiety, the falsifier had simply overdone it. Doubtless he had observed, when it was done, that he had been too modest in the first document and wanted to make up for it in the second. And in his zeal he did not notice that the second contradicted the first.

We would never finish if we tried to cite the distortions and the forgeries. We will see further on, in the chapter on "Crimes against Humanity", that M. Edgar Fauré broke all records with the report, duly dated and signed (by someone dead, of course) of an anti-Jewish congress which took place at Krumheubel on April 3rd and 4th, 1944, and which was proved, before a full court on April 2nd, 1946 (Volume X, p. 420), never to have taken place!

I would like to add this concerning warped documents. One day when he was having a little vacation from the trial in Paris, a former friend, a journalist representing one of the big Paris newspapers at Nuremberg, told me how surprised he was at the attitude of the defendants. "It's funny," he said, "the texts are read to them in their own language, and naturally they understand them. Then, when the arguments against them in the texts are taken up one by one, they act as if they no longer understood, and their counsels even more so. You say they do not understand . . . and I say, 'bosh!' "

Just reading these documents, which were not made public at the time, explains everything. If one spoke of them in *Grande Allemagne* and then argued *Plus Grande Allemagne*, or of Colonies to argue Silesia or Poland or the Ukraine, or if a text was read to them in the conditional tense and then arguments were drawn from it in the present, how could they understand?

This process of reading to the German defandants a text written in their mother tongue asking them to acknowledge it as authentic, then producing English, Russian and French translations which had nothing in common with the original, then taking from these translations arguments which were then re-translated into German, was not without, as I have said, a certain Machiavellianism. Many distortions of texts were corrected by the defendants or their counsel acting together — in a way *in flagrante dilecto* — but there were so many that inevitably several escaped them, and it was their bad luck that they were not the least important.

Like war crimes, crimes of peace require that we go into the materiality of the facts. Naturally, we will not go into detail any more than we need to give the reader a general picture of the whole, just enough to give him something to think about.

The Lion in the fable of La Fontaine, after he had been hunting with the Heifer, the Nanny and the Ewe, divided up the spoils into four parts and explained to them, if I recall correctly, that the first went to him because he was the King, the second because it was his share, the third because he was the strongest, and as to the fourth, he would at once throttle anyone making a claim to it. It did not occur to the writer of the fable to assemble a Court of Justice to condemn this marked breach of the laws and customs of hunting. If he had, he would have found some jurist Fox to claim that there was an infringement, that this infringement constituted *one* hunting crime, and surely not *four*. For the jurist Fox as for the defendant Lion, the fraudulent division into four parts of the spoils of the hunt, in this case the Deer, left one, the body of the crime, and also only *one* infringement (in this case the right of the strongest) analysed and redivised under only four explanatory headings.

To claim that this destruction of the Versailles Treaty, the rearmament of Germany, the acquisition of territories lost as a result of the First World War, and the acquisitions of others for expansion, coupled with the deliberate intention of making aggressive wars, added up to so many counts of indictment was perhaps an ingenious idea. If it had not been for the overcrowded and overcharged atmosphere in which the trial took place — that extraordinary proliferation of fish-wives, stocking knitters and the like who invaded that improvised court, and who fed the interest of the lowest and highest — even the least informed spectator would quickly have grasped that if crime existed, buried under this mass of headings, there was in reality only one, the destruction of the Versailles Treaty, or the right of the strongest of the fable.

To continue the analogy of the fable: imagine that the democratic Heifer, Nanny and Ewe, having been joined by a Jenny just for the sake of being represented, a Turkey because every farce has a fool, a Fox for the scenery, and a Wolf for the moral, have managed to catch the Lion in a snare, firmly tied to the ground, and that they put him to death little by little, taking care to prolong the spectacle, all of them gathering round every day so as to miss nothing — we would have a League of Nations of animals, in which a Monkey all bedecked could well play the part of the mace-bearer, and the press could be represented by an old cackling hen. Imagine? . . . this place in the concert of nations, this Lion in a snare — did not the Treaty of Versailles want to condemn Germany to just about exactly that? One day, maggot-ridden and half dead, the Lion managed to break his leash, that is all. As in the world of La Fontaine, an English Rat, or an American, if not one of their interbreeding, came out of his hole

at the right moment and gnawed through the rope at just the right spot.

To return to the world of men, the question which presents itself is whether the German Lion had the right to break out of the snare, and this question on another level is that of the sacredness of treaties, especially peace treaties.

A treaty does not necessarily have to be the written expression of a relation of forces, e.g. a customs conventions, the European Common Market. In the case of the European Common Market it must be admitted that it was imposed on the Six by an outside danger that threatened all of them and that Germany, although deriving little advantage from this agreement, nonetheless was forced into it by the new situation in the world in which she found herself as a result of World War II, and because Britain's non-cooperation would be tantamount to her exclusion from the most important markets on the Continent. There are relations of forces that are purely economic. In the beginning they are all of this character, which they retain as long as the problems inherent in commerce and the conquest of markets can be solved peaceably, and merchants do not request the State to send soldiers to help them to keep what they have, or to acquire a market prohibited to them, or that they have lost in price competition. Contingent on these conditions, treaties which are made or dissolved peaceably are quite imaginable and, insofar as the interests involved are only of relative importance, they are fairly common. It is remarkable that on that score no jurist has thought of invoking the argument of Eternal Inviolability.

The same does not hold for peace treaties, since they are always the written expression of relations of military forces, in that there is always a conqueror who imposes his will on the vanquished, who in turn submits only with the knife at his throat. Ceaselessly and eternally denounced in the name of Ethics, the process has never been codified in the name of Law, in the sense of the limitation of the rights of the conqueror and the protection of the inalienable rights of the vanquished.

Until the beginning of this century, the tradition of ages has been that the superior interests of State were reasons enough for declaring war, and no moral or judicial justification was necessary. The savagery of the fighting was limited only by the stage of invention in the art of destruction at the time. One ransomed oneself or was ransomed at the discretion of the conqueror, depending on how the battle had turned out. White flags, truces, treaties . . . from the declaration of war to the conclusion of peace, everything unfolded according to a kind of code, honour handed down from chivalry. There was always a traitorous knight, who was of course always the enemy. After the signing of the peace, which ended the war, the adversaries separated according to convention, shook each other ceremoniously by the hand, the loser accepting the conditions of the victor, wrapping himself in

his dignity, and both promising to see each other again some day. The Franco-Prussian War of 1870—71 was declared and conducted, and peace was concluded in that style. And even though in the meantime many attempts had been made, especially at The Hague, to give war a code, drawn up by jurists and not by men of the sword, so, too, was the war of 1914—1918, at least in its preparation and declaration. Germany did nothing at Frankfurt to hinder the policy of revenge openly carried on by Poincaré — unquestionably a war criminal in the terms of the Nuremberg Charter! — but she took umbrage in an untraditional way, by threatening to reply with more of the same. And she declared herself ready, if necessary, to pick up the gauntlet which for many years had been daily thrown at her. The intangibility of treaties was not an article of Law, but an established fact which, in spite of international conventions, it was admitted on both sides could only last until wars changed it. Just as Poincaré proclaimed that the Frankfurt treaty was a disgrace for France, and that it should be destroyed by force of arms, so it was in Germany, where Bethmann-Hollweg allegedly called all the other treaties that bound them in Central and Balkan Europe, in Africa and the Near East, "scraps of paper." The phrase went around the world in the press and even in schools and universities. In reality, Bethmann-Hollweg had only said "a bit of paper." (Renouvin)

In order to decide whether these examples are exceptions which permit no generalisations, or on the contrary are case-types on which rules can be based, the reader can ask himself what public opinion today would think of jurists who proclaimed as sacrosanct the following: the treaty of Verdun (843, partition of Charlemagne's empire), the treaty of Cateau-Cambrésis (1559, end of the Italian wars, and the cleaning up of the unhappy after effects of the Hundred Years War, which had come to an end in 1453 without any treaty other than the Treaty of Troyes of 1429, from which the King of England derived the title of King of France, still part of the realm of England at the end of the past century), the treaty of Westphalia (1648, end of the Thirty Years War), the treaty of Vienna (1814—15, end of the Napoleonic Wars) etc. . . . But, in fact, there is no middle way. If the inviolability of treaties is a law, all treaties are inviolable without exception, each treaty being the negation of the inviolability of the preceding one. It is a fact that while the jurists at Nuremberg were talking about the sacredness of treaties, they really had in mind a general rule for which the Treaty of Versailles served as the only basis and only application. But why Versailles rather than Frankfurt, or Frankfurt rather than Vienna or Verdun?

It is clear that the argument of the inviolability of the single Versailles Treaty is without moral, historic or legal grounds, that it rests solely on the chances of war, and that if the war had been won by the losers, things would be reversed and no fewer or less well qualified jurists would be upholding the opposite argument.

On the other hand, it is fairly elastic, taking into account the fact that in the matter of monetary sanctions, the same judges did not consider the Treaty inviolable since, from 1919 to 1930, the indemnities which Germany was sentenced to pay ranged, with their acquiescence, from 132 billion gold Marks* to a sum close to zero; and in its territorial clauses it was only in the case of Germany that it was inviolable, since today all those clauses have been annulled — with new and appreciable aggravations — to the profit of Russia.

I have already said that Britain, with the backing of the United States, never considered the military clauses inviolable, not even under Hitler (Naval Agreement of June 1935). As for Russia, until September 18th, 1934 when she was admitted to the League at Litvinov's request and on the recommendation of M. Yvon Delbos and M. Barthou, the Versailles Treaty was in Russian eyes a "dictate of hate and plunder" and the League itself a "League of Bandits." On April 17th, 1922, acting on this main idea, she even signed the Rapallo Treaty with Germany (completed by the first German-Soviet non-aggression pact, April 24th, 1926), the first act of her then foreign policy which was to gather into one bloc all the defeated countries of the war of 1914—1918 who were oppressed by the "dictate of the bandit conquerors." By which it can be seen that in the view of at least three of the judges at Nuremberg this elastic inviolability of the Treaty of Versailles was also in eclipse.

So, if I now conclude that no treaty can be considered sacred, I do not think I can be accused of saying so improperly. Up until Versailles, treaties were not inviolable because they were the expression of relations of force, which are not immutable. Each moment of history has its own possibility of an outburst of violence which sweeps away the treaty which a preceding outburst of violence has produced. It is a vicious circle. As with all vicious circles you cannot escape from it without breaking it, and perhaps now is the time to survey the attempts that have been made in this direction. And it will be seen that the Treaty of Versailles and the Nuremberg Trial have been placed in a quite curious and original context.

At the end of the 19th and beginning of the 20th centuries intellectual circles were seized with a fit of conscience over war. This reached the workers and public opinion generally and caused the leading persons of nearly all countries to envisage a humanisation of war which would lead progressively to its being outlawed. The conventions adopted at the international conferences at The Hague in 1899 and 1907 should be viewed as materialisations of that fit of conscience. A paradox: it was not France that boasted

* The various publications on the decisions of the Reparations Commission, instituted by the Treaty of Versailles, are not in agreement on this figure. Benoist-Méchin holds to the decision for 212 billion, in his *Histoire de l'Armée allemande*. The actual figure is 132 billion.

of having originated all the generous ideas, but Tsarist Russia which took the initiative in this movement in 1899; and in 1907, once again it was not France but the United States which took it up. France was busy preparing her revenge for Frankfurt, and she threw herself into that body and soul, while at the same time she participated in the conferences and the decisions made there. Another paradox: during all this period, as public opinion favoured these conferences more and more (27 participants in 1899, 44 in 1907), and specific measures putting a limitation on recourse to war which tended to eliminate or restrict its inhumanity were adopted in the texts, at the same time all the dangers increased, accumulated and ended by making war inevitable in 1914. Many worthy people thought at that time that the real aim in the minds of most of the participants of The Hague conference was to lay a false scent.

In short, there was fighting from August 2nd, 1914 until November 11th, 1918. The Peace Conference opened at Paris on January 19th, 1919 and on June 28th the treaty which put an official end to the war was signed at Versailles. In the memory of warriors such a humiliation had never been inflicted on the loser, and in the memory of jurists never was there such an infringement of the right of self-determination of people — except, of course, in 1945 and after. The military clauses alone were acceptable in that they recognised reciprocity. But for the rest, one cannot compare without a sense of amazement the 132 billion gold Marks, or the 165 billion gold francs* demanded of Germany in reparations, with the 5 billion in the same currency which Germany exacted from France at Frankfurt (and which brought forth screams from Thiers) nor the amputations of territory, the justifications for them, and what happened to them.

Right after the signing of the Versailles Treaty the victors found themselves in this situation. Having gone to war for "law and civilisation", in the spirit created by the Hague conferences, and against the "Might makes Right" formula attributed to Kaiser Wilhelm II and his Chancellor, Bethmann-Hollweg, they could do no better than themselves to apply the latter formula to a beaten Germany. And yet a unique opportunity existed after the war to break the vicious circle, which could not be done before, by ignoring the results achieved by force of arms and making a treaty with clauses to show that, in conformity with the war aims of the Allies, Right made Might. One has only to read the Fourteen Points to see that that is what President Wilson would have liked to see, and it was the only possible way to get out of the vicious circle. And what a lesson the Allies could have taught the world! Insstead of that . . . but I do not wish to say that then the Treaty of Versailles would have been sacrosanct! The law of force having been forever excluded from international life, they had only to

* To give an idea of the enormity: Germany's national wealth was then estimated at 260 billion gold Marks, and that of France at 250 billion gold francs.

modify it from time to time through the instrument of the Permanent Court of Justice instituted at The Hague in 1899, as required by the changing conditions in society, the structures of society being no more stable than the relationships of force.

The Preamble of the Treaty of Versailles, framed by the Pact of the League of Nations and inseparable from it, did contain an article — No. 19 — making provision for its revision in case it ever became decrepit. The many requests for revision which Germany presented from 1920 to 1939 were based on article 19 — the Treaty was indeed decrepit, from the very hour that it was signed! It will be easily understood, I think, that no more could a treaty which was acceptable in feudal times (whether it was the expression of force or of general consent freely given) today serve to govern relations among the great modern nations, than could a treaty, even though accepted with universal consent in 1919, claim to control in its propositions what might become of the world, say, two hundred years later.

No. If treaties are not 'scraps of paper', neither can they ever be sets of unalterable rules in a world that is not unalterable. The only problem is that of their periodic revision and there are two alternatives. The periodic revision will be made by relations of force and by war, or by international conferences of the Hague type.

Once peace was restored it was thought at Geneva that, in the bosom of the League instituted by the Versailles Treaty, those conversations begun at The Hague could be resumed. They led to nothing, precisely because they took place in the presence of both relations of forces and general consent. On the one side there were the former Allies, victors armed to the teeth and therefore in a position to force acceptance of their most unrealistic stands; on the other there was Germany disarmed and without recourse, obliged to bend to the others' wishes like the Lion of La Fontaine in his snare, if a Rat had not opportunely come on the scene.

The situation was untenable, all the more so because it constituted a marked violation on the part of the victors of the Treaty of Versailles, of which the Preamble to the five sections of military articles said: "In view of making possible preparation for a limitation of armaments of all nations, Germany undertakes to observe strictly the military, naval and air clauses hereinafter stipulated."

Germany having kept her promises and disarmed to the limit imposed by the Versailles Treaty, the victors no longer wished to keep theirs — especially France, followed by the others not wishing to be disobliging or interfere with her interests. We have seen that Britain, at least until 1935, saw no objection.

The error — not to call it worse — of the prosecution and judges at Nuremberg was to claim the right to express opinions, as if the Treaty of Versailles had not been the expression of a relation of forces, as if those who drew up the articles had not been the first

to break them, as if in Germany the decision to destroy it had not been a reply to the violations initially committed by the victors.

This sort of reply is found in fact in all the phases of German rearmament, imputed to Germany as crimes by the Indictment.

1. October 14th, 1933. Germany leaves the League of Nations. For years Germany discharged the military clauses of the Treaty of Versailles; the Treaty of Locarno (October 16th, 1925) took legal cognisance of the fact, and Marshal Foch confirmed it in 1927 on his return from a tour of inspection in Germany. In spite of that, France refused to fulfil those same clauses incumbent on her and in spite of the objections of Britain and the United States. The League was powerless to bend France, but maintained its hostile attitude to Germany with regard to equality of rights. The disarmament conference came to grief on this problem. The MacDonald Plan for the limitation of armaments (abolition of all offensive weapons, bombers, tanks, heavy artillery etc.) was not accepted by France. On May 18th, 1933, President Roosevelt addressed the heads of state of 44 nations with a message which took up again the MacDonald Plan. On May 17th, Hitler gave a speech to the Reichstag which was an acceptance of the MacDonald Plan. France did not budge, the League was helpless to persuade her, did not even try and insisted on maintaining her stand to refuse equal rights to Germany, whose doctrine was that either France and the other nations keep to the engagements undertaken at Versailles and also disarm, or she would re-arm. When this point of view was not admitted, Germany slammed the door on the League on October 14th, 1933. On November 12th this decision to quit the League was approved by a plebiscite of 95% of the registered voters.

In the House of Commons on October 15th, Lloyd George put the responsibility on France with these words: "For years France has refused to keep her promise to disarm, and since Locarno she has not ceased to increase her armaments year after year." This added a violation of the spirit of Locarno to that of the Treaty of Versailles. And in his book *La France a sauvé l'Europe*, M. Paul Reynaud admits that this attitude on the part of France made her "seem responsible, in the eyes of the world, for the arms race, which was clearly leading to war." (Volume I, p. 294)

2. March 10th—16th, 1935, Germany builds a Military Force, restores compulsory Military Service and brings the Peace-Time strength of the German Army to 500,000. On the 6th of February 1934, the Doumergue government came to power in France. Barthou was the Minister for Foreign Affairs. One of his acts was to reverse the Locarno policy and substitute the encirclement of Germany for it, preparing the way for a rapprochement with Soviet Russia, which he later got admitted into the League of Nations on September 18th. In March 1935, public pronouncements leading to the Franco-Soviet Pact signed the following May 2nd, were in full flow. Stalin declared that France "was

entitled to bring her arms to the level of her security needs"; lengthening the term of military service in France, etc., was achieved. Taking cognisance of this breach of the Versailles and Locarno Treaties, Hitler officially repudiated all the military clauses of the Versailles Treaty, decided to create an air fleet and to restore compulsory military service. If the security of France called for action, so did that of Germany, encircled as it was.

It must be observed that while throwing the responsibility on to France — and rightly, that is indisputable — for a state of affairs that continually worsened, Britain (which at Nuremberg accused the Germans of violating the Treaty of Versailles) was at the same time not so very unforgiving, since she had concluded a naval agreement with Germany in June 1935 which notably increased Germany's naval tonnage, both surface and submarine, in comparison with that allowed at Versailles. The creation of an air fleet, the re-establishment of compulsory military service, the increase of the standing military strength were imputed to Germany as crimes, but obviously not the naval re-armament which was, moreover, done without the assent of France. Britain would have to have been accused of complicity and Britain was one of the judges. There were State's pardons — even at Nuremberg!

3. **March 7th, 1936. Germany re-occupied "symbolically" the Demilitarised Rhineland.** It was a marked infringement of the Treaty of Versailles. It was the logical outcome of what preceded and Germany's reply to the last act, the signing of the Franco-Soviet Pact on May 2nd, 1935. This pact was not ratified by the French parliament until February 27th, 1936. Hitler had expected a reversal. Contrary to his hopes, it was ratified by 353 votes to 164. On February 21st, Hitler had said to Bertrand de Jouvenel who had come to interview him for *Paris-Midi:*

"You see before you a Germany nine-tenths of whose people have confidence in their leader, and this leader says to you: Let us be friends. Yes, I know what all of you think. You say: Hitler makes declarations of peace to us, but is it in good faith? Is he sincere? Consider! Would it not be ruinous for both our countries if we were to tear each other to pieces again on the battlefield?

My personal efforts towards such a rapprochment will always continue, however. In fact, this more than deplorable pact would naturally create a new situation. You are letting yourselves be dragged into a diplomatic game with a power whose sole aim is to sow disorder among the great European nations, a disorder from which she will benefit.

There are in the lives of nations decisive occasions. Today France can, if she will, forever put an end to that 'German peril' which generations of your children learn to fear. You can remove the heavy burden which weighs on the history of France — the opportunity is given to all of you. If you do not seize it, think of your responsibility to your children."

For fear that this might compromise the vote on which Hitler had placed so much hope — there was little danger that it could — the government intervened with the director of *Paris-Midi* to the effect that the interview which was to have appeared on the 23rd, only came out on February 28th, that is, the day after the vote in Parliament. There was not long to wait for Hitler's answer to the manoeuvre of the French government and the vote of Parliament. On the 7th of March he re-occupied the Rhineland with military forces.

And so it was with all the grievances enumerated against the defendants at Nuremberg in the Indictment, and sustained by the judgement. It was enough to cite those few examples to demonstrate that in the infernal arms race which led to the war, Germany — even Hitler's Germany — was not alone in bearing all responsibility. The judges played as great a part as the accused and, to be more precise, the initial responsibility was incumbent on France because she alone had prevented the Disarmament Conference from reaching conclusions, conclusions which she alone did not want.

It is often asked what was the reason for France's obstinacy in not desiring disarmament. The answer to this question is given in the *Journal officiel de la République française* of March 26th, 1938, which was addressed to the Ministry of National Economy — at the request of Senator Paul Laffont — concerning the quantities of iron ore exported to Germany from France since 1934, and obtained the following information:

"The amounts of iron ore (No. 204, customs' tariff) exported to Germany during 1934, 1935, 1936 and 1937, are recorded in the following table:

Year	*Quantity in metric quintals*
1934	*17,060,916*
1935	*58,616,111*
1936	*77,931,756*
1937	*71,329,234*

One can estimate the loss M. François de Wendel and his associates in iron metallurgy, of Meurthe-et-Moselle, would have sustained if France had not furnished Germany the wherewithal for re-arming. To get an exact picture, compare the export figures for the year before Germany decided to re-arm (1934) and the year after (1935).

Jean Gautier-Boissière and Michel Alexandre, from whom I have borrowed this account, conclude: "It will be a consolation to those French soldiers who suffered wounds during the 1939—40 campaign to know that the projectiles that mutilated them were made out of the ore patriotically exported by M. François de Wendel and his metallurgical associates of Meurthe-et-Moselle."

M. François de Wendel was a person of considerable influence in French politics between the two wars. On January 11th, 1923, in order to procure for him at a good price the Rhine-

Westphalian coke indispensable for Lorraine iron, without forcing him to export, M. Poincaré had the Ruhr occupied, on the pretext that a delivery of telegraph poles made by Germany as part of her reparations was incomplete. When this scheme failed, rather than force him to pay the asked price for German coke, his friend Barthou, who saw eye to eye with him, did not hesitate to torpedo the Disarmament Conference in order to get a good customer, in the person of Germany, for his iron ore.

No one has heard it said that Mr. François de Wendel was cited by the judges at Nuremberg to appear as an accomplice.

Nor has that been heard about the Dupont de Nemours, the directors of the English Imperial Chemical Industry, the Dillon Bank, the Morgans, the Rockefellers etc. . . . who made loans to the German industries, whose propaganda funds fed the N.S.D.A.P.

* * *

To complete the picture we must now return to an event in connection with breaches of the Treaty of Versailles called "Crimes against peace," in Part a. of Article 6, as interpreted by the Indictment: the Anglo-German Naval Agreement of June 1935, for which Britain could certainly have been accused of conspiracy with Nazism, since it was concluded with the Nazi government. On July 17th, 1937 this agreement was re-affirmed, in a sense favourable to Germany. Through this diplomatic instrument, both Britain and Germany increased their naval armament in flagrant violation of the preamble to the military articles of the Treaty of Versailles. France opposed it and the United States did not look favourably upon it, but they both made the best of it and turned a blind eye. As for Russia, she howled at the time that it was a preparation for anti-Soviet aggression. In 1945, the question of this violation, this 'crime against peace', was not brought up against Britain, and in order to avoid having to bring it up against Britain, Germany was granted pardon for the charge . . . Everything that Germany had done in matters of rearmament up until then was also deemed allowable, for as long as the honeymoon had lasted — until March 1939.

In passing, it may be of interest to examine the proposition that the political rupture between Germany and Britain was produced not in March 1939, but during 1936, and that the first step was taken not by the British, but by Hitler himself. Adherents to this proposition, the most brilliant of whom is the French polemicist, Pierre Fontaine (*Les Secrets du pétrole*, Paris, 1963) lean on the following:

1. From the day after the Russian Revolution (1917) which nationalised Caucasus oil, which was the property of Royal Dutch Shell, founded by Deterding, the policy of the Foreign Office was directed towards its recovery, by diplomatic means at first. But about 1928, the Soviets having remained obdurate to all overtures,

the Foreign Office, inspired by Deterding, changed course and no longer envisaged this recovery except through war. At least that is what the adherents of this theory maintain. It was then that Deterding and Royal Dutch Shell are said to have subvented the National Socialist movement in Germany, whose leader, Hitler, they considered the only one capable of making a success of the operation.

2. In *Mein Kampf*, one reads (p. 705 of the first ed.): "If Germany wanted to reconquer territories in Europe this could only be done at Russia's expense . . . it is *only* with England covering the rear that a new Germanic migration could be undertaken . . . In Europe, in the near future, only two allies will be possible for Germany, England and Italy."

The parallelism of the views is striking to say the least. In 1936 Hitler suddenly felt that Britain was only making use of him to recover the Caucasus oil and that once this aim was achieved, she would change course and form new alliances in order to eliminate him. This feeling was inspired by the attitude of the British government towards the triumph of the Popular Front, which the communists put over in France in the legislative elections of May 1936. And from then on he rejected all British advances. All Deterding's efforts to get him to change his attitude were in vain. Royal Dutch Shell, in order to save at least the Rumanian oil, toyed with the idea of directing the policy of the Foreign Office towards an Anglo-Russian rapprochement. But Deterding, not in favour of this policy, resigned from his post of President and Director-General and retired in Germany. In 1939, on the day of his death, two German diplomats in full regalia put on his coffin an immense wreath of flowers, in Hitler's colours.

There is much that is true in this interpretation. The writer of this work thinks, nevertheless, that for the Foreign Office the period 1936 to 1939 was a period of expection and not of rupture for Britain, and that a definite rupture did not come until March 1939. Substantiation for this is to be found in the fact that British policy accommodated itself very well to all of Hitler's enterprises between 1936 and 1939 in defiance of the Versailles Treaty — that she even showed herself to be quite understanding. It is true that this period has not yet been thoroughly examined by historians and its exploration, as soon as it can be done, may well hold many surprises. It is apparently not to be doubted that through Deterding, Caucasus oil played a major role in British policy between the wars, the successes of Hitler in Germany and the unleashing of the Second World War.

In March 1939 Lord Halifax — and therefore the British government — discovered Poland and that was the end of the process of *de facto* revision of the Treaty of Versailles which had been, on the whole, fairly peaceful even if concerned with general rearmament. Hardly anything remained to be settled at that time except the German-Polish dispute over the Danzig corridor and

Silesia. Poland wanted the *status quo;* Germany, stressing the self-determination of the territories concerned and her right of access to East Prussia, was demanding an adjustment. Britain sided with Poland, which France had not ceased to defend since 1919, with the Anglo-Polish Guarantee Pact thereby strengthening the Franco-Polish Pact of the same name. Britain's attitude was later accounted for by the fact that if the German-Polish dispute had been peacefully settled, in conformity with the right of peoples to self-determination, Rumanian oil —exploited by British companies — would have been considerably closer to Germany's grasp. In Rumania there was at the time a strong trend in favour of evicting the British companies. Germany supported the movement behind the scenes and the approach of German armies could only strengthen this movement, especially as Hungary was a friend of Germany. Taking all things into account, the argument is valid as an explanation of Britain's brusque counterblow. It even explains the Anglo-Russian rapprochement and the British military mission that joined the French military mission in Moscow. . . . In March 1939 the British and French military missions communicated to their respective governments information that led them to think they could count on Russia's support in the event of a general European dispute. Thus the argument itself provided the answer that supported it. The whole matter can be summarised by saying that if until March 1939 Britain had looked with a benevolent and often approving eye on those revisions of the Treaty of Versailles made by Germany on her own prerogative, it was solely because she did not concede that the Franco-Russian Pact (1936) carried enough force to become a Franco-Anglo-Russian pact. In matters of foreign policy, as Napoleon tragically experienced, Russia has always been Britain's last resort as a means of ruling the continent. From the moment assurance was given by her agents that Russia would play the traditional game, there was no more reason to hesitate. But, Stalin was not Tsar Alexander and Hitler was not Napoleon.

We know the rest: August 23rd, 1939, German-Soviet Pact, partition of Poland and other gentlemen's agreements between Germany and Russia, which also had disputes to settle with Poland, the Baltic countries and the regions around the mouth of the Danube — all post Versailles Treaty.

Since Russia acted in connivance with Germany on the partition of Poland she was obviously just as guilty. But not at all. On April 2nd, 1946, at Nuremberg, a piece of incredible buffoonery took place when General Rudenko, Russian Prosecutor, personally asked Ribbentrop this question:

General Rudenko: Do you consider that the attack on Poland was an act of aggression on the part of Germany? (Volume X, p. 443)

In vain did Dr. Seidl (counsel for Rudolf Hess) and Dr. Horn (von Ribbentrop's counsel) attempt to demonsrate that this question could not be put in that form. Each time they were told

that it was not Russia but Germany in the dock. Through sheer persistence they were able, all the same, to bring out the reasons, which they found in the German-Soviet Pact and the component secret agreement, why they were asking that the question should not be so stated. (Testimony of the German Ambassador at Moscow, Dr. Friedrich Gaus: Volume X, pp. 14, 86, 325; Volume XI, pp. 611—612; Volume XII, p. 454; Volume XIV, pp. 299—301; Volume XV, p. 594, and testimony of von Weizsäcker, Volume XIV, pp. 300—302, to cite only two.) But the German-Soviet Pact and the component secret agreement, whose provisions were only made public in this manner, were not put to Russia — of course!

For the edification of the reader the provisions contained in the documents cited above were, roughly (for naturally the Prosecution took every precaution to keep the German-Russian Pact and the Secret Agreement out of the hands of the Defence): in Poland, the line of demarcation between the two spheres of influence followed the Rysia, Bug, Narev and San Rivers; Germany disassociated herself from Latvia, Finland and Estonia, but laid claim to Lithuania; she further declared she had no other than economic interests in the Balkans, and later the Russians used this as an authorisation to demand military bases (especially in Bulgaria) which was, if not the cause, at least one of the reasons for Germany's entering into war with Russia on June 22nd, 1941. This shows that Russia held just as low an opinion of the Versailles Treaty and the right of peoples to self-determination as did Germany.

But the German-Soviet Pact and the secret agreement were not the only documents (and they were authentic!) which the judges at Nuremberg refused to consider. There was also the German White Book which the Defence tried to have admitted in connection with the invasion of Belgium, Norway and Greece, likewise laid to Germany's charge.

Here the Defence did not dispute Germany's guilt; it asked only that the conditions under which she had burdened her conscience with this crime be regarded. The German Government, the Defence claimed, had become convinced that if Germany had not invaded these territories the Allied Powers were themselves going to do so. The Government was informed by the agents of Admiral Canaris, whose information service probably rivalled M.I.5 or the F.B.I. At this point in its reasoning, the Defence declared that it was in a position to prove that the belief on Germany's part was justified. They reasoned thus: in June 1940, German troops found the archives of the Ministry of Foreign Affairs at Charité sur Loire (France) and in these archives documents, in particular a letter from General Gamelin to Daladier, and another from General Weygand to General Gamelin, and reports of Ministerial Councils or meetings of the French General Staff which established that the French and British had in readiness a plan for a landing at Narvik, the invasion of Belgium, the Ruhr, the destruction of

Rumania's oil and a landing at Salonika. The Defence, in short, wanted to show that Germany had succeeded where her adversaries had failed and that, for its part, it was a question only of a reaction of defence against planned aggression.* Furthermore, in the case of Greece, no decision was to be taken until invading British troops arrived in Crete. The reasoning was not without merit. The documents selected from the archives of the French Ministry of Foreign Affairs and on which the argument rested had been collected into a White Book by the German Government in 1941, and it was this White Book that the Defence intended to produce.

The Defence plea was rejected at the insistence of Sir Maxwell-Fyfe (British Prosecutor), Dodd (American Prosecutor) and Dubost (French Prosecutor) on two grounds: first, that at the moment Germany made the decision to invade she had no proof that her conviction was justified; second, that no confidence could be had in a German document such as the White Book precisely because it was German (session of May 16th, 1946). Of course, a German document could not be pertinent unless it accused Germany.

These are the arguments of the kind of casuists that Loyola would have been proud of, which were advanced against taking the Treaty of Versailles into consideration and which were particularly and most pertinently refuted by Dr. Seidl (counsel for Rudolf Hess, who had probably been sent to Britain by Hitler himself for a last attempt at negotiation with the British) and Dr. Horn (counsel for von Ribbentrop). After some skirmishing during which they both marked numerous points, the unanimous argument of the Defence was summarised in this statement of Dr. Horn:

"There is no doubt that the Prosecution base their case on infractions of the Versailles Treaty. To these treaty infractions it is absolutely necessary, in my opinion, to examine the facts which allowed the legality of the treaty to be doubted. It is certain that it was signed under duress. International Law recognises that such treaties have grave deficiencies and considers them infamous.

"In my opinion we must be allowed to submit the facts that serve to show the soundness of this assertion and legal viewpoint.

"I do not wish to make any further statements on this point, but I ask that my first request be granted, that the documentary facts be allowed which would permit a judgement on the legal value of the Treaty of Versailles." (Volume X, p. 94, 26th March, 1946).

Very solid.

Reply of Sir David Maxwell-Fyfe:

"In spite of all the respect due to Dr. Horn, I submit that it is

* All of this has just been substantiated in France in Volume II of the Memoirs of M. Paul Reynaud, then President of the Council, recently published with the title *Envers et contre tous* (May 1963) in which these documents and reports of the Ministerial Council are cited and commented upon in the terms and meaning used by the Defence before the Nuremberg Tribunal.

an unsound argument . . . Once it is admitted that there is a treaty and that an infraction is made, these are the conceded facts, and it is no answer to say that a number of admirable people have, in the signatory countries, believed that the terms of this were wrong. The treaty is there and the person who knowingly makes an infraction is breaking the treaty, regardless of the soundness of the arguments on which it is based . . ."

In saying that, Sir David Maxwell-Fyfe was surely not thinking of France, who violated the treaty by refusing to disarm, when it was acknowledged in 1927 that Germany had fulfilled the terms of the clauses relative to disarming, nor of Britain who violated it twice in May 1935 and July 1937, with the Anglo-German Naval Agreement. He was only the more at ease in continuing:

"*It really does not help to know whether the defendant Hess acted in the belief that the Treaty of Versailles was bad, or to know what were the opinions of the Editor-in-Chief of the* Observer, *an English Sunday paper, or those of some number of the* Manchester Guardian, *twenty years ago, any more than it is useful to refer to what distinguished statesmen have written, regardless of the respect due them, about the event, years after it happened.*" (Volume X, pp. 99).

Sir David Maxwell-Fyfe doubtless did not know that not only journalists and even statesmen had voiced views unfavourable to the Treaty of Versailles, but that there were countries which had refused to endorse it for the very reasons invoked by the Defence — America, for example!

Decision of the Tribunal:

"*The Tribunal (after a recess) rules that evidence to establish the injustice of the Treaty of Versailles, or its imposition by force, is inadmissible, and therefore rejects document Vol. 3 on behalf of the defendant Hess.*" (Volume X, p. 99, afternoon session).

It could not be otherwise. To admit in evidence this book of documents would have been to admit the possibility that France, Britain and Russia at least, had themselves violated the Treaty of Versailles, which would lead directly to their being challenged as judges, which was forbidden, as we have seen, in Article 3.

In the case of the partition of Poland between Germany and Russia, as of that of the successive invasions of Belgium, Norway and Greece, it was really basically the same problem of the competence of the Tribunal that was posed.

Evasion was the only argument the Prosecution could put in opposition to the Defence.

It was also the only one which it could not openly use.

And that is why all the arguments which the Prosecution invoked were at the same time so constrained, hampered, involved and so mediocre.

Chapter IV

WAR CRIMES

Ideas about war crimes have changed considerably since 1945, with regard to the applications of the Geneva and Hague conventions to them. Indeed, the corpses of the eleven men hanged at Nuremberg were hardly cold before the universal conscience was asking itself the most sober questions about the rights of the Allies to set themselves up as judges and pronounce sentence. And since this conscience was from the beginning expressed through the voices of the most estimable people, it was quite impossible to be unaware of it. Among them figured men as universally known as Professor Gilbert Murray, the best known of British Hellenists, and the Dean of Rhodes House — both men from Oxford; the military writer Lidell Hart; the anarchist Israeli editor Victor Gollancz; Member of the House of Commons R. R. Stokes; Lord Hankey, Secretary of the renowned Committee for the Defence of the Empire from 1912 to 1938 and member of the British Cabinet from 1920—1921; the American Judge Wennerstrum, from the Supreme Court of the State of Iowa, who had been appointed to the bench of the Nuremberg Tribunal and who left the post abruptly after a few months; Senator Taft; Lord Bishop Chichester, who intervened in the House of Lords in strong language on June 23rd, 1948; Dibelius, Bishop of Berlin, etc. Most of them had protested long before the bodies of the hanged turned cold, even before the verdict was handed down. Their opposition was known to the best informed from the beginning of 1944 when the Allies' determination to hold a trial became public knowledge, but a conspiracy of silence worked against them and their protest was not known until long after.

There were few Germans among them. The abominable press campaign unleashed against Germany had made defendants of all of them and the Germans gave the impression of bowing their heads under blows. For any honest person looking back on the press and writings of the time, there is no possible doubt: the attorneys for the defendants in the Trial of the Major War Criminals performed acts of real heroism. Limited in their defence by the Charter and rules of procedure, odiously distorted by the press, their interventions and pleadings often appeared timid, and sometimes inconsistent. Nonetheless, many of their speeches will one day be considered worthy of being included in an anthology. I am thinking particularly of the pleading concerning the incompetency of the Tribunal, presented in the name of all the defence counsels, by Dr. Stahmer, counsel for Goering, at the beginning of the session of November 19th, 1945, and rejected on the 21st "on the grounds that it called into question the competence of the Tribunal, it was in contradition of Article 3 of the Charter." Article 3 stated, in fact, peremptorily that "neither

the Tribunal, its members nor their alternates, may be challenged by the Prosecution or by the defendants or their counsel."

I am thinking, too, of the intervention of Dr. Sauter, counsel for Ribbentrop, on the Treaty of Versailles; of Professors Exner and Jahreiss, counsels for Jodl, on breaches of international law; of Plottenrichter Kranzbuehler, counsel for Admiral Raeder, on maritime law; of Dr. Robert Servatius, counsel for Saukel, on procedure and forced labour; and of the others who, although their performance was more modest, nonetheless stood out head and shoulders above the judges and prosecutors.

In France hardly more than the two admirable books by Maurice Bardèche, *Nuremberg ou la Terre Promise*, and *Nuremberg II ou les Faux-Monnaveurs* (*Nuremberg, or the Promised Land* and *Nuremberg II, or the Counterfeiters*) are worthy of being mentioned. The French Left, in power, saw in the contents of these two books only the political opinions of the author, who openly — and very pluckily — called himself a fascist. The Left raised a barrage against the books and the first was actually, and quite scandalously, banned. The ideas of the books, presented with rare objectivity, are the same ones that in my youth — taking Bertrand Russell, Mathias Morhardt, Romain Rolland, Anatole France, Jeanne and Michel Alexandre for guides — the European socialist parties and the world Left all held, and almost put across at the end of the war of 1914—1918 and up until 1933. It would be easy to demonstate that these ideas, of ancient tradition, are really left-wing. There is much I could say on the shifting that took place when the Left, faced with the phenomenon of war, retreated to the traditional positions of the Right, while the Right resorted to those of the Left; but here the historian should cede the pen to the sociologist. So we will confine ourselves to mentioning one thing that offers useful comparisons. In 1914, too, the Left adopted the policies of the Right about war, but in 1918 it turned Left again while the Right, arrogant and impervious, remained stupidly set on dogmas of another age. Today it is the Left who are stupidly stuck on these dogmas of another age. This historic switch-back is curious to say the least.

In short, all the protests, whatever their source, and no matter which of the charges against Germany or the Germans they were concerned with, all the charges could equally well have been laid against the Allies, and therefore all of the parties concerned should have been seated in the dock. And if a trial had to be held, prosecutors and judges should only have been selected from among neutrals, who doubtless would have seated them all back to back.

Solid arguments were voiced on the subject of war crimes and crimes against humanity. First the Russians spoke concerning deportation and German concentration camps and propaganda concerning this was the touchstone of sensitivity in world opinion.

Field Marshal Goering, interrogated on March 21st, 1946 by

General Rudenko, the Russian prosecutor, had answered that "1,680,000 Poles and Ukrainians had been deported from territories occupied by the Soviet Union, and sent to the Far and Near East" (Report of the Proceedings, Volume IX, p. 673); he was not permitted to cite his references, nor to continue. The first Polish government in London had, meanwhile, published a paper according to which the number of Polish deportees lay between one million and 1,600,000 — 400,000 of whom perished during the voyage to the interior of Russia and among these, 77,834 children died out of 144,000 deported. It seems that this took place in February, April and June 1940, and June 1941. M. Montgomery Belgion, referring to the first Polish government in London added that according to information furnished to Miss Keren by the American Red Cross, and the Polish book *The Dark Side of the Moon* (London, 1943), the Russians extended the operation to the Balts: 60,940 Estonians, 60,000 Latvians, 70,000 Lithuanians.

May I add that in a small book, *La Problème de la Silesia et le Droit* (*The Problem of the Law and Silesia*) which came out in 1958, the great French jurist Raymond de Geouffre de la Pradelle, referring to the 1947 Annual of the Central Statistics Office of Warsaw, published by the Polish government under Russian control, notes that 7,300,000 Germans were deported from Silesia to Germany by the Russians between July 1st, 1945 and January 1st, 1947, in application of an Anglo-American-Soviet convention on the transfer of populations. According to M. Jean de Pange, who made a study of this problem in the *Revue des Deux Mondes* of May 15th, 1952, the number of unfortunates who died during this operation, under inhuman conditions comparable in every way to those of our deportation to camps by the Germans, exceeded four million.

But evidently the Tribunal at Nuremberg was forbidden by the Charter to be apprised of that.

Against the Russians was further cited: the slaughter at Katyn for which a significant part of the world press still puts the burden of guilt on the Germans, although the Nuremberg Tribunal did not accept that, and in spite of the fact that it has now been established that they are to be charged to the Russian conscience; reprisals taken in 1944 against the Ukrainian and Polish civilian populations who had received the Germans as liberators in 1941; the treatment inflicted on German prisoners; the entry of Russian troops into all the German cities and the rape, pillage and massacre to which the civilians were subjected, etc.

In October 1944, in an "Appeal to the Red Army" which was not translated for the Nuremberg Tribunal, the Russo-chameleon writer Ilya Ehrenburg wrote:

"Kill, Kill! There are no innocent Germans, among the living, or among those yet to be born! Carry out Comrade Stalin's instructions to crush the fascist beast in his lair. Shatter the pride

of the Germanic women with violence. Take them as lawful spoils. Kill, kill, valiant soldiers of the Red Army, in your irresistible onslaught." (Cited by Admiral Doenitz in *10 Years and 20 Days*, pp. 343—344)

The war on the Eastern front between Germans and Russians was savagely brutal, defiant of international conventions and totally dehumanised on both sides. The clash of the armies was repeated in the clash of ideologies and doctrines; although illegal in the eyes of international conventions, partisan warfare was, for example, one of the sacred dogmas of popular or national emancipation in the eyes of the Russians. The formula "eye for an eye, tooth for a tooth" is profoundly immoral. No one has the right to take justice into his own hands, especially one who recognises a higher authority which renders justice for all.

The Einsatzgruppen, the "50 to 100 hostages executed for one German soldier assassinated" (order of Keitel, September 16th, 1941), the liquidation of Russian political commissars, viewed as partisans not as soldiers, etc., must also be examined and judged as German replies to a violation of international conventions by the Russians. The fact that the Germans were present and had witnessed the Russian occupation of that part of Poland conferred to them in the German-Soviet Pact, made them able to appraise their methods of warfare, and was one of the determinants of the attitude taken in that respect by the Oberkommando der Wehrmacht (O.K.W.).

The Americans, British and French were no less disqualified as judges than the Russians and that for breaches of the laws and customs of war no less serious or no less deliberate. To the count of the first two figured the extermination of the civilian population of almost all German cities by applying what the British called "saturation bombing" and which we called "obliteration bombing" which, as the word indicates, could obliterate entire cities and their inhabitants, just as much as phosphorus bombings. At Dresden, Leipzig and Hamburg the wretches who died crushed under masses of rubble, or burned alive in monstrous conflagrations which could not be put out and who actually became screaming and inextinguishable human torches rushing for water — of which there was not enough or which was non-existent — were counted by the hundreds of thousands in a single night, in each of the three cities.

The case of the Russians was all the more curious since they had been condemned, on December 14th, 1939, as aggressors against Poland and Finland by the Assembly and Council of the League of Nations. The fact that they turned up as judges at Nuremberg shows, to say the least, an astonishing development in international law between 1939 and 1945.

The atomic bombs dropped on Nagasaki and Hiroshima which, at the time, surpassed anything that could be imagined for horror and cynicism in war crimes, were taken into consideration. Special

mention was also made of the bombing at sea of German submarines and naval vessels which were proceeding to the rescue of shipwrecked persons, after having given clear radio notice of their mission on international long wave radio. The most typical case was that of U-boats 156, 506 and 507 which, on September 13th, 1942, were moving (in conformity with the laws of the sea) to the rescue of the crew and passengers of the *Laconia* (freight ship, armed with 14 guns of which two were 150 mm anti-aircraft, grenades, etc. . . . which put the ship in the prize category) which the U.156 had just torpedoed.

The record of the French is hardly any better: the Resistance and partisan war, which no clauses of The Hague protected; innumerable assassinations of German soldiers, stabbed in the back by invisible enemies; even massacres of prisoners who were protected by the Geneva Convention, such as the one that took place at Annecy (Savoy) on August 18th, 1944, and others in French camps after 1945, to such an extent that the International Red Cross was so disturbed that it even roused President Eisenhower himself.

All these violations of the Geneva and The Hague Conventions, i.e. the written law, certainly do not excuse Germany, who did her share. I have simply made a summary inventory to show that the infringements were multilateral and to point out, first of all, that if Germany was to be judged it should not have been by those judges; second, that once having taken place, a qualified Tribunal should have used its discretionary power to demand the appearance of Russia, Britain, America and France next to Germany in the dock.

Declared inadmissible by Article 3 of the Charter because it questioned the competency of the Tribunal, which was set up on that assumption, the argument which the Nuremberg judges christened *tu quoque* (You, too — implying "you did it, too") was also inadmissible by virtue of Article 18, because it was necessary to proceed rapidly. "The Tribunal shall," the Article read, "a) confine the Trial strictly to a rapid (expeditious) hearing of the issues raised by the charges; b) take strict measures to prevent any action which will cause unreasonable delay, and rule out irrelevant issues and statements of any kind whatsoever."

Justice however, which requires assumptions, cannot fail to be expeditious, and being expeditious, it is no longer justice.

* * * *

If I selected the *Laconia* incident above all others and stated that it was typical, it is because more than any other it reveals a certain Machiavellianism in the Prosecution; in short, it was typical of that Machiavellianism.

The *Laconia* was a cargo ship which the Admiralty had turned into a troop transport. All other considerations apart, particularly

her offensive weapons, the equipment she carried for the detection of enemy submarines and the order to signal as soon as any had been detected . . . that alone put her, by the rules of the international conventions, in the category that could legitimately be torpedoed by the adversary. And I do not think that the right of the U.156 to torpedo her was questioned by anyone, at least not officially. A not too insistent attempt was made to rouse public opinion because of the 80 women and children on board. This was not pressed since it would have been easy to charge that their presence was an infraction of the international conventions, somewhat as if on land a troop of soldiers advancing into battle had put them in front to keep the enemy from firing.

The *Laconia* was transporting 1,800 Italian prisoners of war who claimed, according to Admiral Doenitz (*op.cit.* p. 203) that "the British closed the hold doors, where they were when she was struck, and prevented them by force of arms from getting to the life-boats." You can hardly improve on that for a war crime!

What was actually argued at Nuremberg was the order which Admiral Doenitz issued, having drawn the logical conclusions from the American bombing of the rescuers who were acting in the great tradition of the sea, and the bombing of those who were shipwrecked, regardless of age or sex, who had been their allies.

"It is henceforth forbidden to attempt the rescue of persons on a torpedoed ship, or to pull men from the water to take them to small boats, to right-up turned over life boats, to provide food or water. Rescue is contrary to the most elementary principle of war, which commands the destruction of enemy ships and their crews."

The British prosecutor, Sir David Maxwell-Fyfe, did not fail to seize on this order to claim that it prescribed "the deliberate killing of ship-wrecked persons." It was all as if the British and Americans, who had driven the Germans to desist from rescue at sea, wanted to establish grounds for charging them with the consequences of the crime, magnifying it by the use of an exegesis in line with the rules of *pilpoul*, and keeping strictly quiet about the crime itself.

Very fortunately a courageous witness, Fleet Admiral Nimitz, Chief of Naval Operations of the United States, stated:

"On general principles, United States submarines did not rescue enemy survivors, if undue additional hazard to the submarine resulted, or the submarine would thereby be prevented from accomplishing its further mission." (Nur. Volume XVII, p. 389, session of July 2nd, 1946)

In this deposition, Admiral Nimitz furthermore took into account the order given by the American naval authorities on December 7th, 1941, to attack Japanese merchant vessels without warning, since they were "usually around."

So the charge was not held against Admiral Doenitz and therefore not against Germany by the Nuremberg Tribunal, but world

opinion was never informed of that by the press which, in reporting the hearings, informed the world a million times over that Admiral Doenitz had ordered the deliberate massacre of the crews of torpedoed ships.

Even today a considerable part of the press continues to perform its doughty deeds with the same energy.

This kind of Machiavellianism, given free rein by the Prosecution in the presentation of the documents and facts pertaining to the *Laconia*, seems to have been the general rule throughout the trial. It is seen again in the case of the obliteration bombing, mentioned elsewhere.

But how did the British and Americans get this idea in the first place?

There are two views on this problem: the one generally held and which William L. Shirer adopts in his *Rise and Fall of the Third Reich*; and the other put forward by J. M. Spaight, British Air Cabinet Minister, in his *Bombing Vindicated*. Both are concerned only with the question of knowing who started it first, which, though morally without importance, is nonetheless very important with regard to The Hague articles, which maintain that it is not at all a matter of indifference to know whether it is a question of British and American retaliation or German retaliation.

This is what William L. Shirer says, and what he presents as the official view:

"To begin with, there was a minor navigational error by the pilots of a dozen German bombers on the night of August 23. Directed to drop their loads in aircraft factories and oil tanks on the outskirts of London, they missed their mark and dropped bombs on the centre of the capital, blowing up some homes and killing some civilians. The British thought it was deliberate and as retaliation bombed Berlin the next evening . . . The R.A.F. came over in greater force on the night of August 28—29, and, as I noted in my diary, 'for the first time killed Germans in the capital.' The official count was ten killed and twenty-nine wounded."

The fact that this officially recognised navigational error was at that time interpreted as a deliberate action on the part of the Germans, and that it provoked the immediate reaction of a British raid on Berlin the following night is understandable and easily pardoned. That they returned in force a few days later, when the Germans had offered no further provocation, is less understandable. And the fact that (on this the official contention and William L. Shirer are silent) they kept it up until they provoked the retaliatory bombardment of Coventry, Birmingham, Sheffield and Southampton — their justification for Dresden, Leipzig and Hamburg! — cannot be understood at all, and cannot be excused.

The view of the British Cabinet Minister for the Air rings another bell and throws another light upon the subject. According to him, this system of bombardment was to have begun well before

August 23rd, 1940 — on May 11th, to be exact. The General Staff of the Admiralty decided on it on that day, and that very evening 18 Whitley bombers in waves dropped sheets of bombs on railway installations in the Ruhr, and unavoidably claimed an appreciable number of civilian victims. After that they were to continue insofar as they were not hindered by flak.

"Because we were doubtful about the psychological effect of propagandistic distortions of the truth that it was we who started the strategic bombing offensive, we have shrunk from giving our great decision of May 11th, 1940, the publicity which it deserved. That, surely, was a mistake. It was a splendid decision. It was as heroic, as self-sacrificing, as Russia's decision to adopt her policy of "scorched earth." It gave Coventry and Birmingham, Sheffield and Southampton, the right to look Kiev and Kharkov, Stalingrad and Sebastopol in the face. Our Soviet Allies would have been less critical of our inactivity in 1942 if they had understood what we had done."* (*Bombing Vindicated*, cited by Maurice Bardèche in *Nuremberg ou la Terre Promise*. Present translator took the text from J. F. P. Veale, *Advance to Barbarism*, p. 121.)

The Germans, however, were not aroused until bombs fell on Berlin. On August 31st and September 1st, "after a week of constant English night bombing," William L. Shirer writes, "most of the capital's dailies carried the same headline: 'Cowardly British Attack,' then 'British Air Pirates over Berlin.' "

Finally on September 4th, at the Sportspalast, in his speech at the opening of the Winterhilfe (Winter Help) campaign, Hitler roused the indignant crowd listening to him to wild enthusiasm, by declaring:

"For three months I did not answer because I believed that such madness would cease. Mr. Churchill took this for a sign of weakness. Right now we are answering night for night. When the British airforce drop two or three or four thousand kilos of bombs, we will drop in a single night 150, 200, 300 or 400,000 kilos."

Indeed, until then, except for the navigational error pointed out by William L. Shirer, the German air force had not replied. From then on came Coventry, Birmingham, Sheffield, Southampton and . . . London itself. One bombing led to another and in 1944, the waves of horror reached Dresden, Leipzig, Hamburg and other places, but in 1944 Germany was unable to retaliate and the blankets of bombs fell on an enemy whose shoulders were already to the ground.

Concerning the crime which, according to both William L. Shirer and J. M. Spaight, was set in motion by the General Staff of the Admiralty, and of which both sides — the judge as well as the defendant — were guilty, the Nuremberg Tribunal accepted in evidence only the German reprisals, that is, those steps ordered to

* This book was not published in Britain until April 1944.

be taken against British and American aviators forced to land on German territory for one reason or another, caught, so to speak, in the act.

The best known of these incidents, the one that raised the greatest outcry because it was considered inhuman, was the one disclosed in a memorandum found in the papers of the O.K.W., dated May 21st, 1944, regarding a decision of Hitler to have shot without trial the crews of the British or American planes responsible for certain specific actions. (Doc. P.S. 731, Volume XXVI, pp. 275—276)

This is what was contained in that memorandum, taken from the document volume cited above:

"The Führer has decided that in special cases the following measures shall be taken with regard to British and American crews. Enemy fliers brought down are to be shot without due process of law, in the following instances:

1. When they have fired on German crews coming down in parachute;

2. When they have attacked with the plane's weapons German aircraft which have been forced to land, and when their crews are still around;

3. For attacking public civilian trains;

4. When they have attacked with the plane's weapons isolated civilians, peasants, workers, isolated vehicles."

As it was presented this memorandum became an order, with nothing to show whether it was ever executed. The press reporting the Trial surrounded this note with an air of implication about "eternally inhuman Germany," tied it in with other similar notes or extracts taken out of context from other orders termed crimes, and that was all they said when it was presented to the Tribunal on March 20th, 1946. (*op. cit.* Volume IX, pp. 604—605) But if we take a look at the cross-examination of Goering (same date) we find that a mention is made in the margin of Warlimont, Chief of the General Staff, deputy to the Wehrmacht operations of Keitel, Jodl, of General Korten, etc. . . . and that what was intended was a poll of the members of the General Staff of the O.K.W. on a *proposed order* that Hitler had in mind. And if we look at Keitel's cross-examination (*op. cit.* Volume X, p. 572, and Volume XI, p. 21, April 4th and 8th, 1946) we learn that it concerned "a continual exchange of ideas expressed here and there about a measure Hitler wanted, which, thank God, was not put into effect, because the necessary instructions were not transmitted, and no order from the O.K.W. was ever set down or given, to this effect."

The Tribunal was obliged to yield to the evidence. Not so the press. Even today, many after-the-event anti-Nazi propagandists who call themselves historians, continue to publish, in the news or in books, this memorandum, probably jotted down during some class, which they take for one of a series of orders effectively executed.

It is true that British and American fliers were actually lynched or killed on the spot by a crowd up in arms which rushed on them when they touched the ground. But that is something else — a blameworthy group reaction, certainly, but very understandable.

The Prosecution wanted to have it that this group reaction had been ordered by remote control, by the directors of the Third Reich in the midst of war. And, to prove it, more documents were produced. Heading the list were the relevant notes, emanating from Warlimont, deputy to Keitel, documents P.S. 735 and P.S. 740 (*op. cit.* Volume XXVI, pp. 276 and 279). These documents implicated Goering and Ribbentrop in connection with a conference which supposedly took place some time before June 6th, 1944, at Kelssheim Castle, during which, together with Himmler, they decided on a joint stand in conformity with what was laid down in the memorandum of May 21st. Unfortunately this meeting at Klessheim never took place, except in Warlimont's imagination. From whom Kaltenbrunner got the information is not reported. Moreover, Ribbentrop and Kaltenbrunner were able to prove without difficulty that they did not share, any more than did Keitel, those views that seemed to have been Hitler's, concerning the treatment of British and American fliers.

As their evidence crumbled, the Prosecution — determined at all costs to score a point — did not shrink from reaching back to an order of Hess, dated March 13th, 1940, relative to instructions to be given to the civilian population on the attitude to be taken in case of enemy plane or parachute landings on Reich territory (P.S. 062, Volume XXV, p. 119). In the fourth paragraph it stated that "enemy parachutists are to be arrested immediately and rendered harmless." Justice Jackson translated "rendered harmless" as "liquidated," doubtless because it was more in the fashion at the time, and his translation went around the world and continues in use in the press.

Then came an order from Himmler dated August 10th, 1943 (Doc. R. 110, Volume XXXVIII, pp. 313—314). For the benefit of all the superior officers of the operations services of the S.S. and the police, Himmler said, "It is not the business of the police to intervene in conflicts between the German civilian population and the British or American terrorist aviators, who have had to take to the parachute." Translation by the Prosecution: " . . . the army received orders not to protect them from lynching by the people. The Nazi government through its propaganda and police agents, took care to urge the civil population to attack and to kill fliers crashed to earth." (Session of November 21st, 1945. Volume II, p. 147) But, in his speech, Dr. Gawlik (counsel for the S.D. after March 18th, 1946) claimed, first, that this order was addressed to the police only, not to the army, which is, after all, evident; second, that actually it was not the business of the police but of the S.D., whose job it continued to be. (Volume XXII, p. 40, session of August 27th, 1946)

Then came Hitler's order, dated October 18th, 1942, re: the destruction of commandos and parachutists (Doc. P.S. 498, Volume XXVI, pp. 100—101). At least, this order was presented by the Prosecution in those terms. One has only to read it to see that "commando parachutists," not parachutists, or simple commandos are meant, those who are sent behind the lines to wage a kind of warfare rigorously forbidden by the Geneva conventions. This may be judged by the three essential points, given in as literal as possible a translation:

"Enemy not acting within Geneva convention, using liberated criminals for brutal commando work; they kill prisoners, and orders to this effect have been found. From now on we will do the same with British sabotage troops. So, I order, no pardons, even if they seem to be surrendering . . ." (Condensed, Tr.)

Three more paragraphs specified further that if certain of those spies or saboteurs fell into the hands of the army, they should be at once handed over to the S.D.; that this order did not apply to enemy soldiers taken prisoner in open fighting; that chiefs of units and officers guilty of negligence in its execution would be liable to court-martial.

Finally, another and complementary order of the Führer, with the same date, gave explanation to Paragraph I of the original order.

It could be held on many points that this order was in contradiction of the Geneva and Hague conventions; but if it was judicially accepted, it had also to be admitted that one violation corresponded to the other, and both should have been judged. However, by application of Article 18 of the Charter, the first violation was declared "irrelevant," so only the second was admitted. And this was given out to the public with stress on such phrases as "soldiers in uniform or out" . . . (commandos were issued uniforms for use in case they were captured in action, and civilian clothes for flight, mission accomplished), "with or without arms" (once in plain clothes, the arms were discarded), and it was not mentioned that the order did not include regular troops, as it expressly stated. If I have said that this order was also in contradiction of the Geneva and Hague conventions, it is because at least in the case of civilians, captured without arms, guilt could not be established without an investigation followed by a judgement. In any case, the business of "commando parachutists" had nothing in common with that of the fliers, with which it was associated, and therein lies the Machiavellianism. It should also be added that the document was read in German to the German defendants, that the actual title "Geheime Kommandosache" which was given, underlining that they were "durch Flugzeuge angelandet oder mittels Fallsschirmen," to which the defendants could only nod, was translated into all the other languages as "commandos *and* parachutists," to make the association, and this, too, is not without a certain Machiavellianism.

One affair of British and American aviators — there was one, and a true one — that of the escapees from Luft Stalag III at Sagan (Silesia). On the night of March 24th—25th, 1944, 76 officers of the R.A.F. escaped from that camp which was allocated to prisoners of the Allied Air Army. Except for three, all were recaptured. Twenty-three did not get beyond the outskirts of the camp and were brought back during the day by the Observation Service of the Wehrmacht; the other 50 who fell into the hands of the police at various places in Germany within 48 hours were shot. First the International Red Cross, then the Protective Power — in this case Switzerland — were aroused, and Eden protested in the House of Commons. On June 12th, the Swiss Minister at Berlin received an official note from the German Minister of Foreign Affairs, explaining that the 50 escapees had been shot by the police "either when they resisted at the moment of their recapture, or during an attempt to escape again after their recapture." But the investigation of the International Red Cross and the Protective Power established without difficulty that that was not true, and that they had been shot on an order given to Himmler by Hitler. The order was unknown to all the defendants at the Nuremberg Trial except one — Kaltenbrunner — who had retransmitted it, after receiving it from Hitler via Himmler, to the executive echelon of the R.S.H.A., of which he was the Head. This was a patent violation of that Geneva convention which recognises the right to escape. As to whether Hitler actually issued this order, all the testimony is in agreement. That of Keitel (Volume XI, pp. 8 ff.), and of Goering (Volume IX, pp. 380 ff.) (on whom the Prosecution wanted to put the responsibility for the matter) are particularly honest. Both showed conclusively that not only did they take no part, but that they were placed in such positions that they could do nothing to prevent it. Hitler went over Keitel's head, and Goering was informed too late. As for Kaltenbrunner and Ribbentrop, the first said that he merely transmitted an order which came from his superior, and that there were no two ways about it; the second offered an explanation which had been given him after an enquiry.

As far as I know, no exactly similar infractions in the treatment of war prisoners on the part of the British and Americans have been brought out. I have shown that others, in no way less horrible, were noted. Those of the Russians — who signed neither The Hague nor the Geneva conventions and therefore permitted themselves every licence — were worse. Even the French are not snow white. We have seen that in one case at least (Annecy) they did not wait for the prisoners to escape before shooting them *en masse*.

To sum up: the documents established that in Germany the pattern was for downed fliers to be sent to prisoner of war camps unless they were categorised as terrorists. The latter were turned over to the S.D., summarily judged and sentenced to death or sent

to concentration camps. In this category of documents belong those like the memorandum found in the papers of the O.K.W., dated May 21st, 1944, which established that Hitler wanted, but was unable to achieve, shooting without any legal procedure. At Nuremberg, Goering maintained that it was learned from interrogation of these terrorists that their governments had forbidden them to engage in the very acts they had performed, and that they were war criminals in the fullest sense of the term. And the Allies did not act any differently. Naval Lieutenant Eyck, commander of the U.582, was condemned to death together with all the officers on board, by a British war council after being sunk and taken prisoner following his destruction by gunfire of the flotsam and shipwrecked persons of a merchant ship which he had just torpedoed. They were executed on November 30th, 1945.

These are but a few examples to demonstrate that the accusation of war crimes could be applied to the judges as well as the defendants and therefore, irrefutably, to establish the incompetency of the Tribunal in the light of International Law as it was then.

Chapter V

CRIMES AGAINST HUMANITY

What Article 6 of the Charter called, in its strained and high-flown style, crimes against humanity are those conditions to which hundreds of thousands — even millions — of men, women, old people and children were subjected by deportation to the concentration camps, there to live and die in numbers, coldly assassinated or killed little by little by the indescribable maltreatment inflicted on them; and among these assassinations and mistreatments, those more particularly inflicted on the Jews — the racial laws and gas chambers, about which there has been so much discussion.

The little interest which the Eichmann Trial stirred up in the world, contrary to the hopes of its protagonists; the fact that the reaction of their reading public impelled the great newspapers to recall the star reporters whom they had at first sent to Jerusalem, leaving behind only special corespondents or third rate police blotter reporters; the reprobation, and even indignation, it aroused in all circles — even in Israel — were signs that another truth than that of Nuremberg had already won acceptance. And this truth was that, until then, in its racist as in its general aspect, deportation had been represented to world opinion not as an historic fact, a matter of history, but in terms of the political uses which would be made of it by the international Zionist movement and the European statesmen put back in the saddle after the defeat of Germany. The principal object of the Nuremberg Trial was to make this possible by furnishing the justifications. Historical truth arrived at by a legal ruling is one more of the tragic innovations of our times.

Dissected and exposed in its every detail by the press, radio, the most improved propaganda media — not forgetting concentration camp literature — this legal ruling resulted in the fact that in public opinion, and even in the minds of historians, it was no longer the historical fact which determined the political uses that could be made of it, which defined the matter of the fact. This could not fail to be noticed because it is so very true that even if you can fool one person for a long time, many people for a while, it is not possible to fool all the people all the time.

The mechanics of the way it was worked were quite simple.

"The Tribunal," stated Article 19 of the Charter, "shall not be bound by technical rules of evidence . . ."

And Article 21, "The Tribunal shall not require proof of facts of common knowledge, but shall take judicial notice thereof."

And in practice this is the way these two propositions worked: when, to cite just one example, on January 11th, 1946, Dr. Franz Blaha, a Czech communist, stated before the court: "The gas chamber at Dachau was completed in 1944 and Dr. Rascher instructed me to examine the first victims. Of the 8 or 9 persons

in that chamber 3 were still living, but the others were dead. Their eyes were red, etc. . . ." (Volume V, p. 175), the Tribunal which was not bound by technical rules of evidence, did not ask proof of him, and the matter, being declared common knowledge, was accepted without further formality.

However, it is known that the gas chamber at Dachau was not completed and made workable until after the end of the war by the S.S., who followed after the inmates of the concentration camp, and no one had ever been gassed there.

Therefore, it can be said that the Czech communist, Dr. Franz Blaha, was nothing more than a common false witness.

But it can also be asked, how many Dr. Franz Blahas were there in the line of witnesses who appeared before the bar, or whose affidavits produced under oath were read, and who "witnessed" in the same way, the camps at Bergen-Belsen, Ravensbrück, Mauthausen, Auschwitz, etc.?

In the case of Mauthausen we have the witness, Alois Höllriegel, S.S. warder of the camp, who testified by affidavit on January 2nd, 1946:

"In the fall of 1942, I think it was, Ernst Kaltenbrunner visited Mauthausen. I was just then on duty, and I saw him twice. He went down into (!) the gas chamber with Ziereis, camp commandant, just when prisoners were being gassed. I was very familiar with the sounds that accompanied the process. I realised that the gas chamber was in operation. Kaltenbrunner was present. I saw him come out of the cellar where the gas chamber was located, when it was all over." signed: Höllriegel

(Doc. P.S. 2753, Volume IV, p. 302)

In August 1960, probably under pressure of the emotions stirred up in Germany by a series of well-attended talks that I gave in April, in which I had posed the question, the Institute für Zeitgeschichte of Munich gave the following to the press:

"Neither in Dachau nor in Bergen-Belsen, nor in Buchenwald have Jews or other prisoners been gassed. The gas oven in Dachau was never quite finished or put into operation . . . The mass annihilation of the Jews by gassing began in 1941/42 and took place exclusively in some few establishments selected for that purpose and provided with technical facilities suitable for that purpose, establishments above all in the occupied Polish area (but nowhere in Germany proper)." (*Die Zeit*, Hamburg, 19.8.1960)

Even though "witnesses" appeared again in June 1961 before the Tribunal of Jerusalem, in judgement on Eichmann, to state that they had seen their companions in distress leave for the gas chambers of Bergen-Belsen, and were not expelled from the court as false witnesses, or were not arrested in the midst of the hearing for contempt of court, the question of gas chambers holds good only for Auschwitz and the "camps in occupied Poland."

And strangely, that simplified the problem with regard to 1948, the period when all I had at my disposal to cast doubts on the

existence of gas chambers, was the report of the Nuremberg Trial, the "Analysis" of one of those responsible at Dachau (published by the American authorities for the Commission in charge of judging petitions for pardon) and my own experience at Buchenwald-Dora, that is, a period when "concentration camp literature" had just swept through public opinion and put gas chambers in almost every concentration camp. So I started, with the aid of clearly distorted documents, by proving that the one at Dachau was a myth, both macabre and odious. Making reference to my own experience, I did the same for Buchenwald and Dora, about which a priest, who had been a fellow-prisoner, had just written that he had seen "thousands and thousands of people" go in (to the gas chambers). (Abbé Jean-Paul Renard, *Chaines et Lumières*, Paris, 1947). And so on, as the thirteen Nuremberg proceedings brought pertinent documents to light. I was, of course, vilified and even brought to court, where I was, naturally, acquitted, and from then on the game was won. It is today conceded that nowhere on German territory was there a single camp equipped with a gas chamber. The Institut für Zeitgeschichte, which is the "paragon of hostility and opposition to Nazism," finally acknowledged the fact. It remains only to examine the documents and testimonies brought forward in support of the existence and criminal use of gas chambers in the camps in occupied Poland, with as much care as those produced either before a tribunal or directly to public opinion, whose contents have been considered by a tribunal to be "of common knowledge," by the application of Articles 19 and 21 of the Nuremberg Charter.

To my knowledge those camps in occupied Poland were: Auschwitz-Birkenau, Chelmno, Belzec, Maidanek, Sobibor and Treblinka. In the last five of these, the existence and use of gas chambers to exterminate Jews is attested by a single document, the document labelled 'Gerstein,' produced at Nuremberg on January 30th, 1946, by M. Dubost, French prosecutor, P.S. 1533. An analysis and significant excerpts from the document will be found in the last chapter of this volume. Its history was so peculiar and its contents so apocryphal, that the Tribunal refused to hear it read (Volume VI, p. 377), and it was not admitted in evidence against the defendants. Nevertheless, the entire press considered it authentic; it was brought up again against other defendants in subsequent Nuremberg trials, in particular the one for Nazi organisations, and people like M. Poliakov — who call themselves historians — still write about it in their books (*Le Bréviaire de la Haine*, p. 228 ff.) (*Breviary of Hate*) as if it were irrefutable and had been admitted.

In this document it is a matter of the gas discharged from Diesel engines being piped into rooms 25 square metres in area and 1.90 metres high, in which were asphyxiated from 20 to 30,000 persons a day (!! . . .) in batches of 750 to 800 (!). At Jerusalem, Eichmann stated that he had been shown at a distance "little houses" in

which "they told him . . ."

Document N.O. 365 is still being cited, which is a letter from a certain Dr. Wetzel, dated October 16th, 1941, in which "gas machines" (Gasapparaten) are mentioned.

This Wetzel was arrested in Hanover on August 17th, 1961. On August 18th, German newspapers published both that he was living on a government pension of 1,600 DM a month and that, thanks to the British-Jewish historian Reitlinger, author of a book giving credence to gas chambers on the basis of information supplied by him, he had up until then never been disturbed. I quote from the *Allgäuer Anzeigeblatt* of August 18th, 1961:

"In the opinion of the authorities Wetzel was indebted for his incognito, which lasted for years, to the British historian Gerald Reitlinger, who, in his book, which is recognised as a standard work, The Final Solution, *gave Wetzel erroneously the first name of 'Ernst'."*

If it was true, this fact would markedly cut across the full significance of Document N. O. 365, in that it gives historians the right to question whether, as in the case of the Gerstein document, it was not fabricated after the event, to suit a purpose. In any case, the man was arrested and they will not fail to make him talk.

Finally, the testimony of Rudolph Hoess is cited, commandant of Auschwitz camp, who, incidentally, did know something about the matter (P.S. 3868, Volume XI, p. 425; Volume XXI, p. 560; Volume XXXIII, p. 275) and his memoirs written up in prison after he was sentenced to death (published after he was hanged under the title *The Commandant of Auschwitz Speaks*). We will see later what to think of this testimony.

And so to the Auschwitz-Birkenau camp . . .

The documentation about this camp, which is in the final analysis the crux of the matter, is both abundant and precise — so abundant and even so precise that that is what kills it. The different parts of this immense dossier all confirm the existence and use of gas chambers for the extermination of Jews, but, on the whole, they are in agreement *only on that point.* The details which they offer in description of the places and the mechanics of the operation contradict each other with such pigheadedness that they can be said to cancel each other out. If, for example, of two witnesses who claim to have been present, one tells us that Zyklon B (the gas used) came in the form of pellets which volatised on contact with water vapour (Hoess), and the other tells us that water vapour prevented the formation of gas (Dr. Miklos Niyszli, author of *Doctor at Auschwitz*) it is obvious that one cannot believe the one and still believe the other, and that prudence cautions that at least one of the two is a false witness. If one witness tells us that he went into a gas chamber, which an official document says was 400 meters square, that there were benches on each side for sitting and hollow columns every 20 meters in the middle, that 3,000 persons could easily circulate in it and that it was roughly

200 meters long, it is not possible to believe, after reading such a catalogue of improbabilities, that he ever set foot inside. And if, as is the case with Dr. Miklos Niyszli, he adds "the dead were stripped at the exit of the gas chamber" after having been asphyxiated, or that in 1944 this method of extermination had already existed "for four years", one is forced to think that we have here a common impostor.

At the first Nuremberg Trial of the major war criminals, there was on hand:

1. **Testimonies of survivors** who have without exception authenticated the gas chambers, not only by what they *had seen*, but by what they *had heard.* Their testimonies are like that of Dr. Benedict Kautsky who, following his father, was leader of the Austrian Social-Democratic Party, who spent three years at Auschwitz-Birkenau, who wrote a book about his experiences, *Teufel und Verdammte* (*Devil and Damned*), published in Switzerland in 1946, which stated clearly: "Here I want to introduce a short description of the gas chambers, *which, to be sure, I have not myself seen, but which have been described to me by so many people worthy of belief . . .*" (p. 272)

"The naked victims were . . . crammed together in another room, which was tiled and furnished with showers in the ceiling . . . When the space was full, the doors were closed and the showers turned on; from them streamed no water, but gas . . . In Auschwitz by mass gassing, at the very least . . . 3½ million persons have been killed." (p. 275)

So, this witness says on another page that the maximum survival expectancy at Auschwitz was about *three months*, but who survived there himself for *three years*, admits that he never saw a gas chamber and speaks of them only in accordance with what he was told by reliable persons. One notes that he is not the more miserly with his details for all that. He knows that 3½ million people were exterminated in that manner, and also that the gas used was heavier than air since it fell from the ceiling — still another version, since the other witnesses had the gas come from pellets thrown on the ground, from which it issued in contact with water vapour, according to some, or just contact with the air according to others.

At Nuremberg, Colonel Storey, American Attorney-General, was fascinated by that version in which the asphyxiating gas was discharged from shower installations. He presented with the utmost seriousness document P.S. 2285 (Volume IV, p. 270) in which was said, "When an arrival of 'K' prisoners was too important, instead of wasting time 'measuring' them, they were exterminated by asphyxiation, by means of gas forced into the shower room through the water pipes."

2. **Corroborating testimonies** for Rudolf Hoess, commandant of the camp already mentioned, and those of two collaborators of Eichmann, Obersturmführer Hoettl, and Obersturmführer O.

Wizliceny. Only the second is still alive the two others having been hanged.

Concerning Rudolf Hoess — his testimony was written in pencil on old paper and is therefore difficult to decipher because it is difficult to read; it was written by a man over whom a death sentence hung and who would certainly be tempted to say whatever he thought might be conducive to the acceptance of his petition for pardon; furthermore he contradicts himself on every page.

From Hoettl we have only the number of Jews exterminated, which was given to him in confidence by Eichmann: 4 to 5 million which, for good measure, was rounded up to 6. But at Jerusalem Eichmann stated during his trial that he never confided any such information to Hoettl.

Finally, from Wizliceny we have, in addition to confirmation of the above figure, an affirmation in which Eichmann is supposed to have shown him a letter from Himmler which enjoined him to proceed to the "final solution of the Jewish problem," that is, gas chambers. However, there again Eichmann stated that he had never received a written order from anyone, that he had only told Wizliceny that "Heydrich had summoned him to inform him that the Führer had ordered the physical destruction of the Jews." (Jerusalem trial, session of April 10th, 1961, Eichmann confessions, on tape recording, presented to the Tribunal.)

Wizliceny therefore lied, and that can be affirmed without fear of contradiction since the problem of the extermination orders has been resolved. In *La Terre retrouvée*, of December 15th, 1960, Dr. Kubovy of the Jewish Documentation Centre of Tel Aviv, admits in effect "that no document signed by Hitler, Himmler or Heydrich exists, which speaks of exterminating the Jews, and that the word *extermination* does not appear in Goering's letter to Heydrich concerning the final solution of the Jewish question." It is, of course, a little late to acknowledge that, but better late than never. So it is settled: all those orders received by so many in 1946 existed only in the imagination of those who claimed to have received them.

Subsequently, during the other Nuremberg Trials, especially that of the Wilhelmstrasse and Nazi organisations, other documents were brought to light: the Wannsee Protocol (N.G. 2586g), the statement of a certain Wolfgang Grosch (N.O. 2154) concerning orders for the construction of gas chambers, etc.

The Wannsee Protocol is the report of a meeting which took place on January 20th, 1942, at which were present the Secretaries of State administratively interested in the solution of the Jewish Question and the heads of services charged with carrying it out. It is a question of a text in which there is no mention of gas chambers or of extermination, but only of the *transfer of Jews to the East of Europe.* This is quite cleverly worded and drawn up so that one can deduce that even if there is no *express* mention of it, never-

theless, it *implicitly* contains the decision for extermination.

Apart from that, this report has all the characteristics of an apocryphal document if it is compared with the photocopy of it which was published in the book of Mr. Robert N. W. Kempner, *Eichmann und Komplizen*, p. 132 ff. (Europe Verlag, 1961): no seal, no date, no signature, ordinary typewriter letters on a paper of reduced format, etc.

In any case, I repeat, there is no question here of gas chambers and if there is any question of extermination, it is only by distortion of the text.

The following is an example of this distortion in a French version made of the text: "die Zurückdrängung der Juden aus dem Lebensrum des deutschen Volkes" was translated as "l'élimination des Juifs de l'espace vital du peuple allemand," giving in the commentary the sense of extermination to the word expulsion, when it is really a question of the "refoulement des Juifs hors de l'espace vital du peuple allemand." The same was done in English and in Russian. For years afterwards the German press has been reproducing these versions, retranslated into German, commentaries included.

However, to express their decision to drive the Jews out of what they called their living space, the Germans preferred to use other words with the same meaning, such as *Ausschaltung* (exclusion, eviction, elimination), or, especially, *Ausrottung* (extirpation, uprooting). It is this latter word which has been translated by *extermination*, which in German is *Vernichtung*. For an example, in his talk at Posen to the Obergruppenführer (division of generals of the Waffen S.S.) on October 4th, 1943, Himmler said, "Ich meine jetzt die *Judenevakuirung*, die Ausrottung des judischen Volkes . . . Das judische Volk wird ausgerottet . . ." To make his meaning clear, he used the word *Ausschaltung* in the next sentence (P.S. 1919, Volume XXIX, p. 145). In other words, "Je pense maintenant à l'évacuation des Juifs, à l'extirpation du peuple juif . . ." But in *Dossier Eichmann*, M. Billig has this translation, "J'entends par là l'évacuation des Juifs, l'extermination du peuple juif," (p. 55) and "évacuation des Juifs, *c'est a dire extermination.*" (p. 47)

Another example: In a note of December 16th, 1941, on one of his conversations with Hitler (P.S. 1517, Volume XXVII, p. 270) Rosenberg uses the expression "Ausrottung des Judentums." In the session of April 17th, 1946, the American Attorney General Dodd translated it as "Extermination of the Jews." (Volume XI, p. 562). Rosenberg protested in vain.

But in the speeches of the Nazis, the expression "Ausrottung des Christentums" recurs frequently, and is each time translated as "extirpation of Christianity from German culture." (cf. *Revue d'Histoire de la seconde guerre mondiale*, October 1st, 1956, p. 62). It is only when it is a question of Judaism (Judentum), or of the Jewish people (das jüdische Volk) that the word *Ausrottung* means

extermination, and is applied to *individuals*, when it is a question of *entities*.

If, as we have seen elsewhere, Dr. Kubovy, Director of the Centre of Jewish Documentation at Tel Aviv, writes that there existed "no document bearing the signature of Hitler, Himmler or Heydrich referring to exterminating the Jews" it is doubtless because he himself was drawing the difference between the *individual* and the *entity*, and that neither had he found the word in Himmler's talk at Posen. Even if one wanted to give that meaning to the word *Ausrottung* (it often has in German, for example, when it is used for pulling weeds out of a garden : in this case Brockhaus says it is a question of "völlige Vernichtung") it means in all languages that one can destroy an *entity* without destroying the *individuals* which it embodies, and of whose common characteristics it is a summary. For example, one can destroy *Christianity* without destroying *Christians*, Judaism or the Jewish people without destroying Jews. From 1945 until now, the Russians have completely destroyed the German community without having destroyed the Germans, by cutting it into three parts. This view is all the less disputable concerning the Jewish People because the German word "volk" has no exact corresponding word in any other language (except — oh irony! — in Hebrew). In German, a people is not only the individuals but the earth on which they live and which makes up a whole with them, *das Volk*. In German, "arrachés" (pulled out, ausgerottet) from the soil on which they lived, the Jews were destroyed (vernichtet) as a People, but nonetheless continued to live as individuals, in the camps where they were concentrated. In principle, at least. Having said this, in the Wannsee Protocol, there is no question of *Ausrottung*, nor even of *Ausschaltung*, but only of *Zurückdrängung* (refoulement, expulsion) and the distortion of this meaning is all the more serious in the matter of this document, if it is truly authentic, which is far from being proved by the photocopy (cf. above p. 80).

The last of the documents cited, the statement of Wolfgang Grosch, appears as follows: "I, the undersigned, Wolfgang Grosch, attest and declare the following:

Concerning the construction of gas chambers and crematory ovens, it was the responsibility of C group, after receiving orders from D group. The chain of hierarchy was: D group got together with C group. Service CI laid down the plans for these installations, insofar as the construction itself was concerned, then turned them over to Service CIII, which filled in the mechanical aspects of the construction, such as the removal of air from the gas chambers, or the apparatus for the gassing. Service CIII then turned the plans over to a private concern, which was to deliver the special machines, or the crematory ovens. Still within the chain of command, Service CIII notified Service CVI which passed on the order via the superintendent of works west, south or east,

to the central office of works. The central office of works then passed the construction order to the respective office for the construction of concentration camps, which had the structures proper built by the prisoners which the office of Service DIII put at their disposal. Service D gave to Service C the orders and instructions about the dimensions and use of the structures. Basically, it was group D which gave the orders for the gas chambers and the crematory ovens."

The facts detailed in this gibberish — obviously intended to create confusion — are described in the documents found in the Construction Service (Bauleitung) of the Reichsicherheithauptamt (R.S.H.A.), dated January 28th, 1942, numbers 932 and 938, completed by another found in the Economic and Financial Services, with the reference N 11450/42/BI/H, dated August 3rd, 1942.

The first two are construction plans for four crematory ovens at Auschwitz-Birkenau, numbered II-III-IV and V, which leads one to suppose that I has not been found, at least to my knowledge. Each one was to have a large room in the basement, called *Leichenkeller* for II and III, and *Badeanstatt* for IV and V. The dimensions were specified: 210 sq.m. area, height 2.4m for II, 400 sq.m., height 2.3m. for III, 580 sq.m. and the same height for IV and V.

We will never know how these plans were executed on the spot. The Auschwitz gas chambers were destroyed as the Russian troops approached, on November 17th according to some documents, on 25th according to others. Those which can be visited in the camps today, like those at Dachau, were reconstructed after the war — in conformity with the plans? That is the question. I point out in passing that the visitor who goes to Buchenwald to see the remains of the camp is taken in hand by a guard who shows him the gas chamber and explains to him in detail how it operated in the extermination of Jews. This happened to Claude-Henri Salerne of the R.T.F. who was preparing to put this information on the air for the retrospective survey he had been asked to make on concentration camps on the occasion of the opening of the Eichmann Trial (April 1961), when, by chance, a few days before, he fortunately ran into me!

To return to the documents: letter no. 11450/42/BI/H of August 3rd, 1942 (extract from document N.O. 4401), is the order for those four crematory ovens from Haus Topf und Soehne of Erfurt. In the Wilhelmstrasse and Nazi organisations trial it was pointed out, without further detail, that the order was delivered "at the outset of 1943." In his book *Doctor at Auschwitz*, Dr. Miklos Niyszli speaks of the "heart of winter," which usually means the end of January and beginning of February, and the *Revue d'Histoire mondiale*, published in Paris under the direction of the Resistant, Henri Michel (the only one, except for the reports of the hearings, wherein I have found these documents

mentioned) uses the phrase, "at the outset of 1943" (in the October 1946 issue, p. 62), and the document N.O. 4463 gives "le 20-2-1943." Lastly, Hoess says that at the end of 1942 gas chambers and crematory ovens had not yet been built.

It was the halls built below ground, beneath the crematory ovens, officially designated as *Leichenkeller* or *Badeanstatt*, that the witness Wolfgang Grosch christened gas chambers. Since invoices for deliveries of Zyklon B to Auschwitz-Birkenau were found, they were used in support of his statement if they did not suggest it to him — as we are entitled to wonder after what hapened in the case of the Gerstein statement! But Zyklon B was an insecticide-disinfectant, used in the German Army since 1924. During World War II it was used in all the army camps and in all the concentration camps; other invoices found prove this for Oranienburg, Bergen-Belsen etc., where there were no gas chambers. As for the crematory ovens, I can attest that what we called the "basement" at Buchenwald was built on exactly the same model as those at Auschwitz-Birkenau and that no extermination by gas ever took place there.

What is curious is that the orders to build these *Badeanstatten* and *Leichenkeller* have been found, but none as to what was their intended use. It is not clear how those who had to make use of these places, whether as shower rooms or as mortuaries, could have divined that they were actually gas chambers. On the other hand, it is claimed that orders exist to cease the extermination of Jews in this manner. We are told that the reason why no orders to use them as gas chambers have been found is because the Nazis were not so stupid as to give orders that could later be found and used as accusations against them. But then it is hard to see how they could have been so stupid as to issue an order — just as accusatory, just as easy to find — to cease making use of them. Actually, not even this order has been found, only someone who attested its existence, dated "between the middle of September and the middle of October" (Document P.S. 3762, Volume XXXIII, pp. 68—70), which is a remarkably precise date. This someone was the Standartenführer Kurt Becher, who took part, along with Eichmann, in the deportation of Hungarian Jews. Becher was, however, cleverer than Eichmann and knew enough to earn the gratitude of Dr. Rudolf Kasztner (responsible for his acquittal at Nuremberg, and who very probably wrote his "Bericht," cited in this work only for that reason), and of Baroness Weiss (owner of the Manfried Weiss factories of Budapest) whom he had taken by special plane to Lisbon with 45 members of her family. The circumstances of his testimony having been thus given for the edification of the reader, this is what the witness said:

"I, the undersigned Kurt Becher, former S.S. Standartenführer, born on September 12th, 1909, at Hamburg, declare the following under oath: between the middle of September and the middle of October, I induced Reichsführer S.S. Himmler to promulgate the

following order, of which I received two copies, one each for S.S. Obergruppenführer Kaltenbrunner and Pohl, and one more for myself:

'I forbid, effective immediately, all extermination of Jews, and I order, on the contrary, that care be given to sick and weakened persons. I hold you (he meant Kaltenbrunner and Pohl) personally responsible, even in cases where this order may not be strictly observed by the lower echelons.'

"I personally brought Pohl's copy to him to his office in Berlin, and likewise I gave Kaltenbrunner's copy to his secretary in Berlin."

But he did not produce this order, a copy of which he had received. Nor was it asked of him. And they refused to confront him with Kaltenbrunner, who did not deny the existence of the order but merely denied any personal responsibility for it. Eichmann, who also did not repudiate the order, did deny, on the other hand, that it was a written order and cited May 15th, 1944 as the date, which was precisely the date when Himmler ordered the cessation of all medical experiments in *all* the camps (text found and cited by François Bayle in *Croix Gammée contre Caducé* (Swastika against Caduceus), p. 236), and thought of the plan to exchange a million Jews for 10,000 trucks. It is at least probable that Himmler did not simultaneously plan that exchange and the extermination of Jews in gas chambers at Auschwitz since the two are contradictory. But did this order really exist? It is easy to imagine that it *had* to exist for the prosecution, which so far had not found a single written trace of racial exterminations and could possibly only find it here — yet still did not find it. But everyone will agree that with this as the only proof, no historian worthy of the name would ever admit that this order did in fact exist. After all, everything depends on the trust bestowed on Mr. Kurt Becher, and Mr. Kurt Becher . . . In short, I think I have made myself clear: *testis unus, testis nullus.* Well, there are counter-testimonies worth as much as Becher's (Eichmann), or better (Himmler's letter on the experiments in the camps, dated May 15th, 1944 and recovered by François Bayle).

The least one can say is that all this is hardly convincing and, even more, that it tends to show that there never were any gas chambers, nor any exterminations by that method at Auschwitz-Birkenau. If, however, gas chambers did exist, their existence cannot be said to be irrefutably established, either by the testimonies and documents which were brought forth during the various Nuremberg trials, or by the recitations of the survivors, widely disseminated to the public, who all say, with the exception of two (Hoess and Dr. Miklos Niyszli, in flagrant contradition to each other and sometimes to themselves) that they saw nothing, but that they learned it from "reliable persons," which persons have never been traced.

I will say nothing of the celebrated "death buses" whose existence and utilisation are attested by Document P.S. 501

(Volume XXVI, p. 1-2-10), which is an account by a sub-lieutenant from Marioupol with the date May 15th, 1942. The whole text will be found in the fourth part of this work, taken from David Rousset, who reproduced it in *Le Pitre ne rit pas* (The Clown does not laugh) (Paris, 1948).

These "buses", which the indictment refers to as "trucks", were supposedly equipped for asphyxiation by using the motor exhaust. 100,000 Jews are said to have been gassed in this way. Even at the rate of 50, or even 100 per "bus" or "truck", take your choice, one can see what a task it was. This idea, which poses the problem of whether there was time to asphyxiate 100,000 people in this way, or whether a considerable number of these "vehicles" — of which not one has been recovered — existed, in itself reveals the imbecility of the contention that this was part of a vast plan, perfected by the authorities of the Third Reich, to exterminate the Jews. If in truth vehicles of this kind did exist, they can only have been produced by private initiative and only the smallest number could have been produced. The cases reported are considered to have happened in the region of Chelmno, under the authority of one Globochnik. When one knows Globochnik (cp. 5th part), one can obviously not swear that he would not be an initiator of such a scheme. But extermination in numbers of 100,000 is manifestly just as false. If it were a few hundred, it would be possible to accept the figure; but 100,000, no, absolutely not. Eichmann stated during his trial that he had seen one of these vehicles; that he did not see what was taking place inside, either when it departed or whilst *en route*; but that when it arrived, a whole heap of cadavers was unloaded from it. What is this testimony worth? I do not know. What does bother me, however, is that in order to describe these "buses", "trucks" or "vehicles", as the press so often did, the document produced at Nuremberg on November 21st, 1945 by the American prosecutor, Justice Jackson (T. II, p. 135), and taken up again by his alternate, Commander Walsh (T. III, p. 563—65), designates the kind of car with the word "*Wagen*", which the Germans never use in that way. It must, in fact, be one of two things: either they were buses, and P.K.W. (*Personalkraftwagen*) were meant, or they were trucks and L.K.W. (*Lastkraftwagen*) were meant, and if the author of the document did not know, I may be permitted to question his nationality. On the other hand, the author, a certain S.S. Untersturmführer Dr. Becker, whose testimony is unique, like Gerstein and so many others whose testimony was both exceptional and most devastating, is considered dead. In the Nuremberg Trial there were too many witnesses who had died too opportunely, whose so-called writings were used. In short, except for Eichmann who "refused" to see, as far as I know not a single one of these "bus-truck-vehicles", not a person who had made use of them, nor even driven them has ever been found. In sum, a historical event which has left no traces. Happily, the inventor of these infernal machines,

a certain Harry Wentritt, a foreman mechanic, they say, was arrested on January 29th, 1961 in Hanover. Since then nothing has been heard of him. Doubtless his trial is being prepared . . . or they are waiting for him to pass away, too. If he does not die soon he will speak one day. Unhappily, however, taking into consideration the conditions under which he would speak if given the chance, even this far in advance it is impossible to believe that he will tell the Gospel truth. Long experience teaches that there are few witnesses who, under threat of severe sentence and after long imprisonment, will not end up saying just about what is expected of them. Hoess, Hoettl, Wizliceny etc. are significant testimony. This state of affairs, however, is not without consolation, nor is it hopeless. We are no longer in 1946 but in 1963; today we have sufficient documentation to prevent any old person, as in 1946, from coming along to tell us any old tale. Sufficient unto the day is the evil thereof. At first it was said that Saurer trucks were involved; they had to quickly realise then, that the Saurer firm had not manufactured trucks of that kind since 1912, which was a little bit thick.

* * * *

To finish with the problem of the treatment inflicted on the Jews, I would like to cite one more document with regard to decisions made concerning the Jews by the authorities of the Third Reich and the use made of documents relating to gas chambers: the Kasztner report, *Bericht der Jüdischen Rettungskomitees aus Budapest, 1942—1945.* It is quite a story.

Dr. Kasztner was President of the *Comité de Salut des Juifs* in Budapest from 1942 to 1945. In this capacity he was in constant contact with the German authorities in Hungary from March 19th, 1944 until the end of the war. He took part in getting the exchange of "a million Jews for ten thousand trucks" underway, as recounted by Joël Brand and Alex Weisberg in a book already referred to in this work. At the end of the war, before returning to Israel, Dr. Kasztner related what he had witnessed at the instance of the authorities of international Zionism and those of Nuremberg. However, only a small number of copies of his report were made and they were only in duplicated (cyclostyled) form. The first recipient of this report was Standartenführer (Colonel) Kurt Becher. It seems that Becher was Eichmann's superior officer (the latter was only Lt. Col.) in the matter of the deportation of Hungarian Jews, and therefore responsible to Himmler, with whom he was in direct contact (even over the head of Kaltenbrunner, top man of the R.S.H.A.), for the whole operation. Thanks to this Kasztner report, which almost completely whitewashes him, Kurt Becher was favourably deNazified. He is living today at Bremen, where he has built up a fortune in the horse business estimated to be in the millions.

Briefly, a convinced Zionist, Dr. Kasztner settled in Israel right after the war and soon became an influential member of the Mapai, Mr. Ben Gurion's party. In 1954 he was charged that, in his capacity as President of the Budapest Committee during the German occupation, he had sold himself to the Nazis in order to save his family, thanks to the Bergen-Belsen convoy (was one then "saved" by being sent to Bergen-Belsen and the "gas chambers"?), and that he had become a purveyor for the Gestapo, with whom, in addition, he shared the goods pillaged from the Jews before they were deported, etc. The charge was raised by another Hungarian Jew who had also come to settle in Israel where he exercised his profession as a journalist for the religious-conservative party (which all the other political factions in Israel consider to be fascist, and accuse of having dealings with the neo-fascist parties). And, because Kasztner's report on the activity of the Budapest Committee had been used to exonerate Becher and had effectively led to his acquittal at Nuremberg, the journalist in question furthermore charged Kasztner with having contrived the de-Nazification of a "war criminal with whom he had done business."

Kasztner sued his accuser for libel. The trial unfolded in Jerusalem in 1955 and assumed unexpected dimensions: 73 sessions, 2,000 pages of reports — the country was stirred up, a clash between the parties with knives drawn, the very foundations of the state shook. The court accepted all the charges made by the journalist as justified, except for one — association with the Nazis with intent to pillage victims — and acquitted him. It meant the condemnation of Kasztner and Mr. Ben Gurion's party, to which he belonged, was discredited. In the next legislative elections it lost an appreciable number of seats, although it still kept an absolute majority.

It therefore became necessary to reverse the situation before the oncoming elections. Kasztner appealed and the trial was taken up before the Supreme Court of Appeals on January 20th, 1957. It was a repetition of the earlier trial — but worse. Influenced or not by Ben Gurion's government, against which a current of hostile opinion, fed by the proceedings, was growing, the Supreme Court immediately made its conviction apparent that the journalist had to be found guilty in order to fend off any danger that Ben Gurion's party might find itself in a minority, and public opinion reacted favourably to this. On March 5th, 1957, two months after the trial began, the hearings were threatening to go on for a long time and spread disorder in the state, and perhaps create a national crisis. Coincidentally, just as he was leaving the 44th session, Kasztner was seriously wounded by a terrorist on the very steps of the Law Courts; a terrorist whose hand had been armed by the violent language — and perhaps in a material way, too — of the extreme right. (The extreme right and the extreme left operated a loose coalition against Ben Gurion.) Kasztner died a few days later.

The trial thus came to an end to the great relief of everyone. Kasztner's assassin was not unduly bothered. In August 1958 Kasztner was rehabilitated in a judgement which did not censure his denouncer. The affair was spoken of no more, in an atmosphere, if not of restored national unity, at least one purged by this "Solomon's judgement" of its poisoning miasma. Not wishing to stir up any discord, both sides easily fell into agreement on the necessity not to make the Kasztner Report public — that is, not to put it in book form — in the interests of the state.

Then came the Eichmann Trial. In order to clear Becher, Kaltenbrunner had laid all the responsibility for the deportation and its horrors on Eichmann. The Kasztner Report therefore became a principal testimony, with the agreement of the Israeli government. Kasztner's beneficiaries then published his report, through Kindler at Munich, with a preface by Professor Carlo Schmid, socialist deputy to the Bundestag. Nothing was to be neglected to justify the condemnation of Eichmann in the eyes of world opinion. But, as it stood, the Kasztner Report could be used by a clever lawyer to clear Eichmann because it distinctly cast a doubt on the official version of the treatment of the Jews in the concentration camps and, particularly, on the very existence of gas exterminations, attributed to Auschwitz. So it had to be somewhat modified. They did not shrink from the task.

Here, taken from a photocopy I made myself from one of the copies of the original edition, which I had in my possession, is what the Kasztner Report has to say about gas chambers at Auschwitz:

"chen, vielleicht um Tage handeln. Meldungen aus Bratislava bestätigen auch diese Befürchtungen. Die dortige Vandah leitete uns die Meldungen ihres Nachrichtendienstes weiter. Demgemäss war die *S.S. im Begriffe, die Gaskammern und Krematorien in Auschwitz, die seit dem Herbst 1943 ausser Gebrauch waren auszubessern und zurenovieren.* Man erholte die Zahi der Mannschaft, und einer der Unteroffiziere soll sich die Aeusserung geleistet haben: "Bald essen wir feine ungarische Salami." (Er dachte hier allerdings an die mitgebrachten Lebensmittal der Juden.)"

"perhaps for days negotiate. Reports from Bratislava also confirm these fears. The Vandah there further directs to us the reports of its news service. According to these reports the *S.S. were about to renovate and restore the gas chambers and crematoria at Auschwitz, which since autumn 1943 had been out of use.* They increased the number of troops and one of the subalterns is supposed to have said, "Soon we eat fine Hungarian salami." (Here he was thinking, to be sure, of the victuals the Jews brought with them.)"

Dr. Kasztner did not say, as we know, that the gas chambers at Auschwitz-Birkenau were a pure invention, but only that they had not been working "since the autumn of 1943." Since the

event he was reporting took place in May 1944, and since the official version was that they were not put into service until February 20th, 1943, these 8 or 9 months of interruption considerably shortened the amount of time the S.S. had to dispose of 4 to 4½ million people, the figure customarily given at the time.

And this is the way the above passage was rendered in the Kindler edition, prefaced by Carlo Schmid (likewise a photocopy):

" Meldungen aus Pressburg bestätigen diese Befürchtungen. Das dortige Komitee leitete uns die Meldungen seines Machrichtendienstes weiter. Damgemäss war die S.S. in begriff, die Gaskammern und Krematorien in Auschwitz auszubessern und zu renovieren. Die Zahl der Mannschaften wurde erhoht, und einer der Scharführer soll sich die Äusserung geleistet haben: "Bald essen wir feine ungarische Salami." Er dachte hierbei offenkundig an die mitgebrachten Lebensmittel der Juden."

On the treatment to which the Jews were subjected in the Theresienstadt concentration camp, the original Report contained a letter signed by 6 Jews interned in that camp which, although it was surely not the case in all camps for all Jews, no less surely shows that the authorities of the Third Reich had decided that that is what is should have been everywhere.

"The letter is in answer to one received on 8 May from Chawer. The senders are pleased to answer and request Chawer to greet all their friends. The senders are pleased to learn from Chawer's letter that the countless parcels from Lisbon and Istanbul are the work of their friends. Friends from Vienna who live together with them in Theresienstadt have also received parcels from the above named places. Although the welfare situation is thoroughly organised and occasions no worry of any kind, we enjoy always receiving these parcels because we view them as indications of your friendship."

The letter then describes the life and organisation of the place.

"In Theresienstadt a truly Jewish city has arisen in which all work is taken care of by Jews, beginning with street cleaning all the way up to a modern health system with hospitals, a staff of doctors, nurses, helpers, from technical work to caring for the community kitchen, from our own police and fire department to a special system of courts, post and transport, from a bank with its own settlement money and from shops selling food, clothing and household utensils, to leisure time installations in which regular lectures, theatre performances and concerts take place. The children, of whom special care is taken, are in children's and youth homes, the old people in homes under medical observation and care. Those who are able to work are assigned to domestic service. Excellent specialists have come together from all areas, not only administrative, technical and sanitary, but also those who in leisure time can contribute to a rich cultural life, Jewish and general. A library of 50,000 volumes with several reading rooms, a coffee house with music serving as a diversion, especially for older people. A central bath and clothes washing place furthers the

general hygiene upon which naturally special value is put. So one can feel thoroughly comfortable here. The letterhead shows you a view of the city. The health situation is throughout favourable, thanks to the unhindered work of our doctors, the extensive provision of food and medicines, and the climatic conditions of Theresienstadt."

As far as I know this letter has never been made public and, naturally, the Kindler at Munich edition of the Kasztner Report does not contain it!

Is this the last of the surprises in store for us relative to the Auschwitz camp and the treatment of Jews in others? I hardly think so, especially in connection with Auschwitz. In Germany at the moment, the commandant who replaced Hoess as director of the camp, has been in prison for two years. His trial is postponed every two or three months because, if the prosecutor can prove (leaning on Hoess' testimony alone!!) that the gas chambers were in operation there from February 20th, 1943 to the "autumn of 1943" (say for 6 to 7 months), he is contradicted by Kasztner for the period "autumn 1943 — May 1944," and cannot prove that they were put back in use from May to October 1944, which is the date everyone has agreed they were destroyed (if indeed, they were ever built!). Will he succeed? It is not likely. In 1963 the mentality of the witnesses is not what it was in 1946. Among all those witnesses whom Prosecuting Attorney Bauer (he is the one setting up the trial of the second commandant of Auschwitz, predestined to the job by his name) has found, the only reliable ones state unanimously that during the time they were in the camp, between the autumn of 1943 and the autumn of 1944, they never saw the gas chambers in operation, although — surprise! surprise! — not one of them denies their existence (!). Prosecutor Bauer must be really out of luck because, given the progress in techniques, he should be able to find witnesses for the prosecution. In Bonn, another attorney, far less endowed with the virtuosity of Bauer, was easily able to find witnesses to attest to the existence of the "buses" used for the same work. They contradict each other, and they contradict all those we have heard up to now, but people are not that difficult!

It will be serious if he does not find any witnesses because, even if the testimony of Hoess were indisputable, there is at least one piece of evidence that is just as indisputable. That is that not one of the "437,000 Hungarian Jews deported to Auschwitz" in the official version was gassed.

On top of all the other blows, this one could be fatal for Jewish extermination statistics.

* * * *

If the historian now looks over the extent of the damage, that is, the figure used to determine the dimensions of the crime, he is

neither happier nor less perplexed, for this reason: If it is agreed in political circles in the world that six million Jews were exterminated — and how can that monstrous slaughter be explained except by the use of such drastic measures as gas chambers? — the statistics revealed by the documents are far from corroborating this evaluation.

On November 21st, 1945, at Nuremberg, Justice Jackson, plaintiff, expressed himself in this way:

"Of the 9,600,000 Jews who lived in that part of Europe dominated by the Nazis, it is estimated on good grounds that 60% of their number perished. 5,700,000 Jews are missing in those countries where they lived before, and more than 4,500,000 cannot be accounted for by the normal death rate, or by immigration into other countries." (Volume II, p. 128)

Such, then, was the charge: 4,500,000.

The court did not sustain this figure and, from then on, everyone felt free to estimate the number of victims as his imagination or fantasy dictated. Even during the hearings, Sir David Maxwell-Fyfe, British prosecutor, interrogating Goering on March 21st, 1946, gave the green light to the most senseless estimations in saying to him: "It has been proved that approximately 10,000,000 Jews and other persons were massacred in cold blood, not counting those killed in battle."

The press heard, and transmitted "10,000,000 Jews . . ." That was a little too much. The Billigs, the Poliakovs, Alexandrovs, Jacob Lechtinskys, Shalon Barons (holder of the chair of Jewish History at Columbia University) etc., indulged in speculations of the dizziest kind, to place the figure somewhere between the lowest, 4,500,000, given by Justice Jackson, and the highest, 10,000,000, tendentiously taken from Sir David Maxwell-Fyfe's statement, and they arrived at 6,000,000 for the number of Jews exterminated, which is close enough — remarkably — to the mathematical average of the two. To give the impression that the question had been seriously studied, some of them specified that four to four and a half million had been exterminated at Auschwitz-Birkenau, and the rest in other camps or in other circumstances.

And since then these figures have been served up nearly every morning for breakfast, all over the world, in the morning papers, if not in so many words at least in close variations. The most modest of those who have studied the problem, the British publicist Gerald Reitlinger (*The Final Solution*, London, 1956), contented himself with a figure which in its totality lies "between 4,200,000 and 4,600,000." Dr. Hans Gunther Seraphim, statistician and librarian at the University of Göttingen, says "about 4,500,000 Jews." But, to offset that, M. Léon Poliakov ends a study he has been making (*Revue d'Histoire de la seconde guerre mondiale*, October 1956, p. 90) with the following estimate, the sensational nature of which is inescapable:

"It can be said with virtual certainty that the number of Jews

exterminated should lie between 5 to 7 million, 6 million being the most probable, a figure including only deaths by violence, asphyxiation or execution, and not taking into account at all the demographic deficit added between 1939 and 1945 from the almost total absence of births in Jewish homes . . . Doubtless professional statisticians, working with the help of demographic methods, which they will bring in, would conclude in these conditions that the "actual losses" in the Jewish world between 1933 and 1945 were about 8 million."

M. Léon Poliakov is too modest. I am sure that in counting as exterminated all the Jews that were not born between 1933 and 1945 it would not take much effort to arrive at many, many more than 8 million.

In short, the figure almost unanimously accepted in support of germanophobic publicity is 6 million. For Auschwitz-Birkenau the press sticks to 4 million, although the Krakow tribunal which sentenced Hoess, the first commandant, to be hanged on April 4th, 1947, gave 2,500,000, and the Institute of Jewish Affairs, World Jewish Congress (*Eichmann's Confederates and the Third Reich Hierarchy*, N.Y., 28 E. 84th St., 1961, p. 18) gave only 900,000.

The latest commentator specialising in German horrors and atrocities, M. Raul Hilberg (*The Destruction of the European Jews*, Quadrangle Books, Inc., Chicago, 1961), devoted himself to learned calculations to arrive at a total of 5,100,000, a million at Auschwitz-Birkenau, the rest exterminated in other camps (Chelmno, Belzec, Sobibor, Maideneck and Treblinka) by the Einsatzgruppen during the advance and retreat of German troops in Russia.

M. Léon Poliakov enumerated six statistical methods which all led, although by different ways, to the extermination of a number of Jews more or less close to six million. Each one of these methods is in itself a veritable puzzle, so that a historian in search of the truth finds himself faced with a puzzle of puzzles.

The reader will excuse me if I thought that, under such circumstances, the truth could not be found except through a detailed statistical study, and I have devoted a special chapter to it later in this work. I will confine myself here to a summary of the matter. Even if the Germans had decided to exterminate the European Jews, the validity of which is disputed in the documents cited above and by the avowal of Dr. Kubovy, Director of the Centre of Contemporary Jewish Documentation at Tel Aviv, they could never have exterminated six million, or even five, for the simple reason that there never were six million Jews, or even five — far from that — in that part of Europe occupied by their troops during the war; that those who were there were by no means all arrested; and that those who were arrested were by no means all exterminated.

If the reader would like to have an idea of the magnitude of the macabre exaggerations made by all those imaginative writers,

one example will suffice. At Nuremberg, the French Prosecutor-general Dubost, claimed in his indictment (the exact text will be found in the chapter dealing with this matter) pronounced on January 29th, 1946, that *250,000* French had been deported to Germany. On February 24th, 1962, the French Minister of Veterans and War Victims, gave the exact figure — *49,135*. In other words, the prosecutor had multiplied the actual number by 5. I will show that in the calculations of Poliakov, Hilberg and Co., there are innumerable exaggerations of the general total. For example, the 4 millions of Auschwitz-Birkenau (according to the *Revue d'Histoire de la seconde guerre mondiale*, October 1956, p. 3) were reduced to 900,000 by the Institute of Jewish Affairs (op. cit. p. 18).

But everything in its place. This chapter is addressed to another question.

* * * *

The reader might ask himself, if the existence of gas chambers has not been established, and if the number of deaths could be brought down from 6 million to 1 million, what was the significance of that concentration of Jews in special camps, and how did the idea of gas chambers arise?

Here, then:

Hitlerian Germany was a racist state, and that is the answer to the first part of the question. The racist state, however, postulates the expulsion of the minority race beyond the frontiers of the national community. The State of Israel is another illustration.

"*Only a compatriot,*" stated Article 4 of the programme of the National Socialist Party, made public on February 24th, 1920 at Munich, "*can be a citizen. Only he who is of German blood, regardless of his faith, can be a compatriot. A Jew cannot be a compatriot . . .*"

The word used in the original is *Volkgenosse* for "kinsman," which has no corresponding word in French, or in any other language. "Kinsman" or "compatriot" is only an approximate translation. One should say "comrade of the people," or "one belonging to the people." The difficulty lies in the fact that the word *Volk* in German does not just mean "people," but includes "the blood" and "the soil" associated with the idea of a people.

Article 5 concluded: "*He who is not a citizen may not live in Germany except as a guest, and is under the jurisdiction of legislation pertaining to foreigners.*"

When National Socialism came to power on January 30th, 1933, the German Jews thus found themselves automatically endowed with the status of aliens which, in all countries, excludes them from holding top positions in the government or in the economy. This was the juridical basis of the race laws in Hitlerian Germany.

That there is no moral justification for such a measure is quite evident and there is no need to prove it. But then, the fact that in no country in the world is an alien given a post of command is not the question. The only difference between Hitlerian Germany and the other countries was that, in other countries one is an alien by virtue of nationality, while in th eyes of National Socialism, one was an alien by virtue of race. But in Israel there are no Arabs who are schoolmasters, finance administrators or administrators of a Kibbutz, or Ministers. What takes place in Israel does not justify what took place in Germany, I repeat — if only because one cannot justify one wrong with another. But I am not justifying, I am explaining, and to explain I have to take apart the mechanism. If I cite Israel it is only to show that the racist evil, in the sense in which National Socialism understood racist, is much greater than one thinks, since the champions of anti-racism there are today racism's protagonists, and only to point out that, contrary to what is generally believed, Hitlerian Germany is not the only example.

As a matter of fact and not of principle, there is still another difference between Germany and Israel. In 1933, the 500,000 Jews who were living in Germany, who *de jure* were put outside the national community, could not be put out *de facto*, by leading them on route marches to one or another of the frontiers, with or without the legendary 30 kilos of baggage, as Israel did with the 900,000 Arabs of Palestine, who were pushed into Jordan in 1948. With her modern well-organised states, with well defined frontiers, all maintaining very formal political and economic relations with each other, the Europe of 1933 did not offer the same opportunities to a racist state as did the Middle East of 1948, composed as it was of embryonic states with poorly defined frontiers and without any mutual relations, except those governed by the laws of the jungle. The passage of individuals from one country to another was controlled by immigration laws, and when it was a question of massive immigration, as in the case of the German Jews, it was called a Population Transfer, and preliminary negotiations were necessary.

The Nazi government wanted to engage in such negotiations, first of all, on the basis of the Balfour Declaration, with Britain, to which the Treaty of Versailles had given a mandate over Palestine, where the international Zionist movement clamoured for the re-establishment of the Biblical Jewish State, within its rights.

This is the text of the Balfour Declaration (November 2nd, 1917).

"*The government of his Britannic Majesty look favourably on the establishment in Palestine of a national home for the Jewish people, and will do all in their power to favour the achievement of this purpose, it being well understood that nothing will be done to prejudice the civil and religious rights of the non-Jewish communities in Palestine, nor to the rights and status which the Jews enjoy in other lands.*"

To maintain that this declaration was bound to result in the creation of the State of Israel, in the conditions under which it was created, and to its support in the conditions in which it actually exists, is meaningless. That is also the opinion of the celebrated British historian, Arnold Toynbee, and of many other academics, Jewish and non-Jewish. In any case, it was a Utopian dream and the creation of this Jewish state in 1948 proved it. At the time, Arabs, hostile — and they still are — to this interpretation of the Balfour Declaration, tried to limit its applications, indeed, to stop them, and for reasons of oil, Britain did not affront them. She did not want to have any direct contact with Germany over the settlement of this problem, and directed her to the Jewish agency of Mr. Chaim Weizmann, with which she was involved through the Balfour Declaration. For her part, the Germany of Hitler who, like the Germany of the Weimar Republic and the Germany of the Kaisers, was determined to cultivate commercial popularity with the Arab peoples, did not insist. She put the problem on a much broader plain than the Palestinian plan with the Jewish agency, but succeeded in reaching only one agreement in 1933 — called the Chaim Arlossaroff's Transfer-Abkommen by the Germans, the Hawara by the Jews — which envisaged the immigration into Palestine of *all* Jews able to arrive there with £1,000 sterling, but which limited immigration to 1,500 Jews per month for all the others. (In *Le Bréviaire de la Haine*, p. 32, M. Léon Poliakov notes this agreement, but twists the sense.) Such were the conditions imposed by Britain on the Jewish agency, and that was the limit of what she could consent to in order not to offend the Arab peoples of the Middle East.

This £1,000 per Jew stipulation finally constituted the whole problem. There were about 500,000 Jews in Germany and they represented in the aggregate the export of £500 million, or approximately 10 billion marks. This was very close to the evaluation that Dr. Schacht gave of the total fortune of the 500,000 German Jews. No negotiations were undertaken over the sum, however, because another difficulty had to be surmounted. Hitlerian Germany declared that it was impossible to export such a lot of capital all at once because it corresponded to more than half the amount of the annual budget. She asked that settlement be future-dated, on the basis of economic agreements of compensation, not only with Britain — involved because of Palestine — but also with any other nation. These other nations and Britain made it clearly understood that if they were prepared to receive the German Jews, and even to contemplate a lesser (but not much less) sum than the fixed average of £1,000 per head, they would not find it possible to enter into any negotiation whatsoever unless Germany first pledged that the Jews would be allowed to take with them whatever sum they agreed upon. Everything collapsed. The last attempt of this kind was made in November 1938. Although already in disfavour, Schacht was commissioned by

Hitler and went personally to London. In vain.

It was however correct that in 1933, Germany could not export, without compensation agreements and time extensions, the sum of 10 billion marks. At that time neither France, Britain — nor even possibly the United States — could have.

So this is what happened. From 1933 the Jewish Agency was authorised to open a central office in Berlin for Jewish emigration (Zentralstelle für jüdische Auswanderung) to distribute, under Nazi control, the 1,500 monthly passports for Palestine, as authorised by Britain. Insofar as no compensation agreement could be reached, no passport could be issued which allowed the export of the value in exchange of £1,000. For the others, however, the Jewish Agency and the Nazis together agreed to push things a little by distributing more than 1,500 passports (mainly under the cover of assumed nationalities). Then again, the Nazis facilitated a steady, clandestine emigration, to such an extent that when war was declared, about 300,000 — and not just the 108,000 Jews authorised by the Chaim-Arlossaroff's Transfer Abkommen or Hawara — had succeeded in leaving Germany.

On the declaration of war another complication arose, and the business nearly came to an abrupt stop. In March 1939, Britain had decided to grant, flatly, no more than 75,000 emigration authorisations for the next five years.

This little known aspect, carefully kept under cover by the "historians" of the Centre for Contemporary Jewish Documentation — and a few others too! — is revealed in a certain number of documents, especially those carrying the reference N.G. 1889 (Note of the Foreign Affairs Ministry, dated March 10th, 1938, produced at the Wilhelmstrasse trial) and P.S. 3558 (Report of the same Ministry, dated January 25th, 1939, produced at the first Nuremberg Trial).

Throughout this period, "the régime inflicted on the German Jews by the government was that of a minority out of favour and humiliated," M. Joseph Billig of the Centre for Contemporary Jewish Documentation tells us. Further on he adds that "the activity of the Jews in the German economy was not seriously hampered," and as far as the Austrian Jews who fell under the power of the Nazis through the Anschluss were concerned, "it was a question again of a fairly inoffensive action."

Considering that it was precisely during this period that all the racist legislative measures publicly promulgated at the Nuremberg Congress of the Nazi Party on September 15th, 1935 were taken against the Jews, and in the light of the mountain of indignant and vengeful literature which these racist measures provoked in the world, this very temperate judgement from an Israeli pen cannot fail to surprise us. Inadvertence?

In November 1938 everything changed abruptly. The assassination in Paris on the 7th of that month of Counsellor of the Embassy, von Rath, by a young Jew named Grynspan, provoked

that night of horror and nightmare in Germany, November 9—10, 1938 — a veritable Jew hunt; the pillage and sacking of their stores; the smashing of their windows — hence the name *Kristallnacht* (Crystal Night) as it was called by the Germans; limitless and numberless molestations; the pillage and destruction of 815 stores, 171 houses, 276 synagogues, 14 other monuments of the community; 20,000 Jews arrested, 7 Germans, 3 foreigners; 36 killed and 36 wounded. (Report of Heydrich to Goering, dated November 11th, 1938. Volume IX, pp. 554. Document acknowledged as authentic by Goering and all the other defendants against whom it was produced).

On the conditions under which these manifestations took place we have only one official and sure document: Document P.S. 3063, dated February 13th, 1939, Volume XXXII, pp. 20—29. This was the report of the highest judge of the National Socialist Party, Walter Buch, in charge of the inquiry and tribunal to judge the 174 members of the Party arrested after the 11th of November on orders from Heydrich for having organised it and *having participated.* These 174 persons were all of the subaltern ranks. The leaders, the government, the defendants and the Führer only learned about it after it had happened. They all disavowed it, except for Goebbels who, learning of it afterwards like the others, and not having taken part, was pleased about it.

It was Goebbels in fact who heard about it first. On the 9th of November, 1938 — as every year — the heads of the Party met together in Munich to commemorate the *putsch* of 1923. Late in the evening, Goebbels was informed by telegraph that serious anti-Semitic demonstrations were taking place in Hesse, Magdeburg and on a smaller scale all over Germany. After a brief conversation among the principal dignitaries of the Party and the Führer, a telegram was sent by Heydrich at 1.20 in the morning to all the police bureaux all over Germany (Document P.S. 3051, Volume XXXI, pp. 515—519). He called upon all the police commissioners to make contact at once with the district Party staffs, to see to it that Jews were not molested, that their lives and property were not threatened, that their stores and living quarters were not pillaged etc. — in short, that things should continue to develop with order and that calm should be restored. Now this is how this telegram, whose purpose was to put an end to unexpected demonstrations because they were contrary to the spirit of National Socialism as well as of the government, was presented to the Tribunal at Nuremberg on November 21st, 1945 by Justice Jackson himself, in the inaugural session:

"The anti-Semitic campaign became frenzied in Germany after the assassination at Paris of German counsellor of the legation von Rath. Heydrich, head of the Gestapo, sent a telegram to all the officers of the Gestapo and S.D. ordering them to arrange a "spontaneous" protest for the nights of November 9 and 10, 1938, to hasten the destruction of Jewish goods and to protect

German goods alone . . ." (Volume II, p. 130).

One wonders at: a) the plural . . . "the *nights* of the 9th *and* 10th, instead of the night of November 9—10; b) that this telegram which "orders" (*sic*) demonstrations for that night is specifically dated 1.20 a.m. of the 10th; c) that it "orders" that he wants a stop put to the manner in which the demonstrations were developing.

Thus are legends born.

But the Crystal Night was not the only consequence of the assassination of von Rath. Because of the gravity of the troubles it provoked and therefore the need to avoid any repetition of such, this assassination made the directors of the Third Reich realise that an overall solution to the Jewish problem had to be found. It had been dragging on for five years but now, to describe their new approach, they entitled it *die Endlösung der Judenfrage* — a phrase to which for fifteen years the disoriented imaginations of all the drifting journalists and the unusual historians of the Jewish Centre for Contemporary Documentation have given so many other and false meanings.

Actually the original phrase was die *Gesamtlösung der Judenfrage*, or *the solution of the whole, all*, so that the question could not be reopened. But Goering, who used it for the first time in the first paragraph of a letter to Heydrich dated July 31st, 1941, in which he gave the order to make preparations for it (P.S. 710, Volume XXVI, p. 266), used the expression *die Endlösung der Judenfrage* in the last paragraph, and this is the phrase which prevailed. It had the same meaning as the original title and did not mean the liquidation of the problem by the liquidation of the people concerned. Picked up by Goering himself, in the act of using a tendentious translation at Nuremberg on March 20th, 1946, poor Justice Jackson was obliged to acknowledge it (Volume IX, p. 552). But the press never breathed a word of this and so a whole concept was twisted forever.

While Dr. Schacht was packing his bags to go to London on Hitler's orders to try to renew negotiations with Britain and a certain number of other countries which had been almost dead since 1933 and which an international conference convoked at Evian on July 6th, 1938, at President Roosevelt's initiative, had failed to revive, Goering — also armed with a mandate from Hitler — convened an inter-ministerial conference of representatives from all the ministries of the Third Reich affected by measures to be taken without delay. Apart from Goering, who presided, amongst others at the conference were Goebbels (Propaganda Minister), Heydrich (head of the R.S.H.A., representing Himmler), Frick (Minister of the Interior), Funk (Minister of Economics), Schwerin-Krosigk (Minister of Finance) etc. Opening the session, Goering stated:

"*Gentlemen, I have had enough of these demonstrations that do not harm the Jews but do harm me, the highest authority of the*

German economy. If today a Jewish shop is destroyed and the goods are thrown into the street, the insurance company will pay damages to the Jew so that he will suffer no loss. In addition, consumer goods, goods which belong to the people, are destroyed. If, in the future, such demonstrations take place, if they are necessary, then I demand that they be controlled in such a way as not to do us harm. And I want things done in such a way that they do not inflict damage on themselves; it would be crazy to empty and set fire to a Jewish store because that would be injurious to the insurance company, since they would have to cover the damages and pay for the merchandise. One might as well seize and burn the goods at the moment they are delivered." (P.S. 1816, Volume XXVIII, pp. 499—540, and Volume IX, p. 561).

A certain Herr Hilgard, representative of the insurance companies, was also heard at this conference. He estimated the material damages for the windows and jewels alone (goods imported into Germany with resultant export of capital) at more than 25 million marks. He further detailed that the Belgian company which alone could repair the window frames, was asking for a six months time extension just to manufacture the necessary amount of glass. He added that he did not yet have to hand all the other factors of the disaster, at which Heydrich said that the total could be estimated at 100 million marks. And the experts in their turn showed that he had not exaggerated.

A discussion about the organisation of a massive emigration of Jews came to nothing. Goering did not think that it was practically possible because of the massive export of capital it would involve, nor did he see any chance of getting any import-export compensation agreements from other countries.

The reader is doubtless indignant that the Nazis refused to contemplate such a massive exodus of German Jews, allowing them to take with them the exchange value of all they possessed. It was indeed a crying injustice. But it was also an established practice and characteristic of all population transfers. I refer him to two works: *European Population Transfer* (Oxford Univ., 1946), and *Les Transferts internationaux de populations* (Presses universitaires de France), where he can note at his ease a good twenty such transfers determined by treaty, which required that the unfortunates involved leave their country with 30 kilos of baggage, often less, and always without money. Between July 1st, 1945 and January 1st, 1947 the Russians drove about 7,300,000 persons out of Silesia into Germany. They used cattle cars, allowed them far less than 30 kilos of baggage per person and not even any food for a journey of four to five days. In the *Revue des Deux Mondes* of May 15th, 1952, p. 374, M. Jean de Pange claims that more than 4 million died during the transfer, which thus amounts to a number of victims much greater than the Jewish victims in the concentration camps! And in full peace-time! We are certainly concerned with a human problem here, but it is also an

economic problem and, seen in that light, transfers of national wealth were involved which the very structure of international exchange does not permit unless coupled with compensations, without which the economy of the country would be ruined. Thus inhumanity arises from structures, not men, and then the chances to rebuild those structures — and the will to do so — alas, are very limited.

At any rate, the Germans had to wait for the results of Dr. Schacht's last attempt to renew international negotiations, and we have already seen that it foundered.

The principle of the three decrees which Goering would support was then laid down:

— The first, which would levy a collective tax of a billion marks on German Jews (P.S. 1412, Reichsgesetzblatt, 1938, pt. I, p. 1579);

— The second, which would exclude Jews from German economic life (P.S. 2875 Reichsgesetzblatt, 1938, pt. I, p. 1580);

— The last, deciding that the insurance companies would pay to the state, not to Jewish interests, the reimbursement for the damages of the Crystal Night (P.S. 2694 Reichsgesetzblatt, 1938, pt. I, p. 1581).

The assassination thus brought about results analogous to those brought about later, during the German occupation of France, by those singular Resistants who provoked only the arrest of hundreds of hostages and a penalty for breaking the occupation ordinance, when they blew up a chemist shop or a cafe with a plastic bomb — more often than not to satisfy an old personal grudge — or assassinated a German soldier in a dark and deserted street etc., under the pretext of combatting Germany or Nazism. After November 7th, 1938, the life of the German Jews, which international negotiations on reasonable propositions would have saved, was made even more difficult by their exclusion from the economic life of Germany, and the consequences of that — the sequestration of Jewish goods and the expropriations in particular.

In 1939 another event put an end to any plans: war. All the more so because on September 5th — two days after the British and French declarations of war on Germany — Mr. Chaim Weizmann, President of the Jewish Agency, wrote a letter to Mr. Chamberlain, Prime Minister of His Majesty the King of England, in which he informed him, "We Jews are on Great Britain's side and will fight for Democracy," specifying that "the Jewish representatives were ready to conclude an agreement to permit the use of all their manpower, their techniques, their material aid and all their skills."

Perhaps I have not searched hard enough, but I have not found the text of this letter in any French publication.

Here is the passage in question, according to H. G. Adler in his *Die Verheimlich Wahrheit*, p. 320 (*The Unknown Truth*):

"Ich wünsche in nachdrücklichster Form die Erklärung zu

bestätigen, dass wir Juden an der seite Grossbritaniens stehen und für die Demokratie kämpfen werden. Aus diesen Grunde stellen wir uns in den kleinsten und grössten Dingen unter die zusammenfassende Leitung der britischen Regierung. Die jüdische Vertretung ist bereit, in sofortige Abkommen einzustreten — und alle menschliche Kraft, ihre Technik, ihre Hilfsmittel und alle Fähigkeiten nutzlich einzusetzen." Der englische Originaltext dieser Erklärung wird bei Adler (a.a.O.s. 321) wie folgt wiedergegeben:

*"I wish to confirm in the most explicit manner, the declaration which I and my colleagues (*sic*) made during the last months and especially in the last week; that the Jews 'stand by Great Britain and will fight on the side of the democracies.' Our urgent desire is to give effect to these declarations. We wish to do so in a way entirely consonant with the general scheme of British action, and therefore would place ourselves, in matters big and small, under the co-ordinating direction of His Majesty's Government. The Jewis (*sic*) Agency is ready to ender (*sic*) into immediate arrangements of utilising Jewish manpower, technical ability, resources, etc."*

Reproduced in the *Jewish Chronicle* of October 8th, 1939, this letter constituted a real declaration of war on Germany by the Jewish world and created the problem of the internment of all the German Jews in concentration camps as "nationals of a nation at war with Germany." That is another step taken by all countries of the world in wartime. It must, however, be recognised that even before the publication of this letter, the German government had already made preparations in this direction. After all, the declaration of war on Germany, not only by Chaim Weizmann, but especially by Britain and France, put an end to all projects for the transfer of Jews on any negotiated basis whatsoever.

After the defeat of France and the failure of peace feelers offered to Britain, the idea grew in the minds of the Nazi leaders that the Jews could be gathered together, then transferred to a French colonial territory, for example, Madagascar. A report dated August 21st, 1942, signed by Luther, Secretary of State for Foreign Affairs of the Third Reich, concluded on the possibility of negotiations with France about this and mentioned conversations which took place from July to December 1940, the failure of which, after the interview at Montoir on October 24th, 1940, was brought about by Pierre-Etienne Flandin, Laval's successor. During the whole of 1941, the Germans clung to the hope of taking up these negotiations again and bringing them to a successful conclusion. (From Document N.G. 2586 — the same in which the celebrated Wannsee Protocol appears — produced at the Wilhelmstrasse trial. M. Billig also cites it in the Eichmann dossier. And V. Alexandrov romances these negotiations in the book that he, too, wrote on Eichmann.)

"*In March 1941,*" Hoess tells us (*Autobiography*, p. 153),

"Himmler confided to him his decision to change the camp at Auschwitz-Birkenau into 'a mighty armament works; a camp for 100,000 war prisoners, an enlargement of the former camp for 30,000 prisoners, preparation of 10,000 prisoners for Buna . . .' At the time, Hoess comments, *"those were figures absolutely unheard of in the history of the camps. At that date, a camp of 10,000 prisoners was already considered immense."* (Cited from Michel Borwicz, expert before the Tribunal of the Polish High Court, for the trials of war criminals, in *Les Solutions Finales*, published in *Revue d'Histoire de la seconde guerre mondiale*, October 1956, p. 59.)

If it is true, as claimed, that the Germans really did foster the idea of exterminating the Jews, the idea had not yet occurred to them at that date and this text proves it, doubtless inadvertently furnished by the accusers themselves. And this proof is corroborated by the report of Luther cited above, wherein it said that at that date the Germans were hoping to arrive at an agreement with France to gather together all the Jews on Madagascar, on the resumption of the diplomatic conversations broken off in December 1940.

It was during the second half of 1941 that the solution of the Jewish problem took a murderous turn. First there was the declaration of war on Russia. Goebbels had the rumour spread that Hitler had been compelled to do it because the Jews were trying to get Stalin into the war. Then followed the famous book, *Germany Must Perish* (Argyle Press, Newark, N.J., 1941) by a certain Theodore N. Kaufman, an American Jew of whom it can be said that his voice was the tocsin of the forthcoming entry of the United States into the war at the side of Britain, France and Russia.

Theodore N. Kaufman said bluntly in his book that the Germans, for the very fact that they were German — be they anti-Nazi Germans, even communists or philosemites — did not deserve to live, and that after the war 20,000 doctors would be mobilised to sterilise 25 German men or women a day, so that in three months there would not be a single German capable of reproducing in Europe, and in 60 years the German race would be totally eliminated from the continent. He further said that the German Jews were of this opinion also.

The fact that Theodore N. Kaufman was not brought before the Nuremberg Trial after having dared to write such things is not the point I wish to stress. There is worse.

Hitler ordered the book to be read over all the radio stations and one can imagine the effect it produced on German opinion. I have myself met Germans who told me that from that day on, when they learned about this scheme, everyone — people, army, police — everywhere, began to talk about the necessity to literally exterminate the Jews and expressed the hope that Hitler would issue an order to that effect. And the word was passed that such

an order had been given by Hitler to Himmler or Heydrich. There were people who claimed to be well informed who said that they heard it from someone high up, and when a Jew fell into the hands of some dull-witted policeman, who had heard the rumour and firmly believed it, his fate was certainly not enviable.

At Nuremberg, Minister Lammers, Secretary of the Reich Chancellory, confirmed this, saying, "My opinion is that these rumours (often passing for orders) came from clandestine radio listening posts, where foreign broadcasts were heard, and that no one wanted to admit that." (Volume XI, p. 58)

The reading of Theodore Kaufman's book over the radio unleashed a mass fury against the Jews, regardless of the influence of the foreign broadcasts. But all Germany also believed the foreign broadcasts, which were listened to secretly, and, believing that an order had been given, many of those sorry S.S. types surely thought that they were authorised to carry the order out. In December 1941, when Germany had to go to war with the United States, it was the last straw.

Actually, before the war with the United States, there was a general, vague sort of feeling all round that some solution other than the Madagascar one had to be found for the Jews, and that they would have to be kept in Europe until the end of the war. Goering's letter to Heydrich of July 31st, 1941, already referred to, doubtless reflected this feeling. The deportation of the Jews to the East had begun on October 15th, 1941. Heydrich's summons to the Berlin-Wannsee meeting, dated November 29th, 1941, originally set the meeting for December 9th, but events forced its postponement to January 20th, 1942. The purpose of the meeting was precisely to plan out the concentration of the Jews in the East. The real mass deportation of all European Jews to Auschwitz-Birkenau and the other Polish camps began in March 1942.

From France, M. Joseph Billig tells us (*La Condition des Juifs en France sous l'Occupation*, published in *Revue d'Histoire de la seconde guerre mondiale*, October 1956, p. 40), "the first convoy for the East left on March 27th, 1941," but that "deportation in earnest did not begin until after a plan that was blocked was revised on June 11th, 1942, at the R.S.H.A. in Berlin" and implemented through a memorandum of the June 11th R.S.H.A. meeting, signed Dannecker, on June 15th, 1942, "which determined the methods of deportation, not only for France, but for the whole of Europe."

If we consider that the last convoy to Auschwitz-Birkenau arrived on July 7th, 1944 (Hungarian Jews), and taking March 27th, 1942 for the departure of the first, it lasted 27 months, and that is the length of time given by the American psychologist Gustave Gilbert (Professor at Long Island) attached to the Nuremberg Trial (statement made on May 30th, 1961, before the Jerusalem Tribunal in judgement on Eichmann). My investigations reveal the same. Non-racist mass deportation began on the same

date and lasted approximately as long. The last convoy from France left on August 24th, 1944.

The synchronisation, and in particular the departure date, will be noticed; this coincides with the arrival of Speer at the Ministry of Armaments (February 1942). Mass deportations to relieve the manpower crisis which faced Germany from the second half of 1941 on, were the consequence. In Speer's mind there was no reason why Jews should not be put to work like the others, and many documents signed with his name attest to this. Another coincidence: we have a letter from Himmler, dated December 5th, 1941, addressed to Heydrich, to Pohl (head of the business office of the K.Z.) and to Glücke (inspector general of the K.Z.) which notes the tendency to violence he had found among all the K.Z., and which requests of those concerned that a stop be put to this, without making any special reference to make an exception of Jews, and which contains these words: " . . . disagreement with certain specialists of the S.S., I will improve the diet of the K.Z., and turn *all* affected into good specialised workers . . ." (cited by Billig, *Eichmann Dossier*, p. 60). The year 1942 was marked by a quantity of letters emanating from the central offices of the R.S.H.A. and pointing to an improvement in the diet at all camps. In *The Commandant of Auschwitz Speaks*, Hoess cites Himmler himself as saying that he "wanted more and more special prisoners for the arms industry" (op. cit., p. 225), and therefore these special prisoners (Jews) were handled accordingly.

We will see further on, in the study devoted to it, how Eugen Kogon cites another circular, dated December 28th, 1942, from the Central Bureau of Camp Management (Pohl), of the same nature concerning deportees as a whole. The orders stated that the Jews had been sent to special camps (*Sonderlagern*), which set up the special handling (*Sonderbehandlung*) which they were to receive, as compared with the deportation of their opposite numbers who were sent haphazardly to this camp or that. The deportation of the Jews to the East became in itself a special operation (*Sonderaktion*), that is, especially directed against them. All this was done in the atmosphere of hate created by Theodore N. Kaufman's book and the precipitation towards "total war" — an expression just then introduced into common vocabulary and which all Germans thought he had invented, for which he admitted he was preparing fellow members of his race. Everyone agrees that this deportation was brutal and murderous. The Jews never spoke of it among themselves except in terror, even before it happened to them. And when they had suffered it, the effects were intensified by apprehension over what was still to come. Hoess tells us that at Auschwitz, one entire sector of the camp, Auschwitz III (Monovitz), was given over to I.G. Farben; and this industry, which uses colouring matter and dyes, suggests gas chambers. Moreover, there were in the camp clothing disinfection rooms, an operation for which this very Zyklon B was used. It was

only one step from that to saying that these gas chambers were for the asphyxiation of Jews, which the prisoners of the camp itself took up, even faster than the historians of the Jewish Centre for Contemporary Documentation. Every time they found the words *Sonderlager*, *Sonderbehandlung* or *Sonderaktion* in a text, they decreed on their own authority that it was code talk and referred to gas chambers.

As an argument it seems a little weak, to say the least, after considering the following incident:

On April 12th, 1945, Colonel Amen, American deputy prosecutor, having charged Kaltenbrunner with having requested the special treatment at Walsertraum in the Walsertal, and at the Winzerstube at Godesberg, got the following reply:

"Do you know what Walsertraum in the Walsertal or Winzerstube at Godesberg are, and their relation to what you call *Sonderbehandlung*? Walsertraum is the most elegant and fashionable mountain hotel in all Germany, and the Winzerstube at Godesberg is a well-known hotel where many international conferences have been held. In those hotels such distinguished people as M. Poncet and M. Herriot, etc., were put. They received triple the rations allotted to ordinary diplomats, that is, nine times the wartime ration for a German. They received a bottle of champagne every day, corresponded freely with their families, or could receive parcels from them. These internees had frequent visitors and their wants were inquired after. That is what we called *Sonderbehandlung.*" (Volume XI, p. 248)

In these terms, the *Sonderbehandlung* which meant that the racial prisoners were sent to *Sonderlager*, and which distinguished them from the common run, also meant that prominent prisoners were distinguished from the common run in that they were not sent to concentration camps but to hotels. And that is quite far from the interpretation given — and still being given! — by the "historians" of the Jewish Centre for Contemporary Documentation.

What about witnesses? So far Hoess, the commandant of Auschwitz, has been produced, but we must question the value of his oral testimony (given at Nuremberg) as well as his written testimony (penned in his cell at Cracow) which we have already pointed out was written under threat of death, in the hope of reprieve or commutation of his sentence, and is full of contradictions between one page and the next. Gerstein? After writing (?) his testimony, he took the wise precaution of committing suicide. An analysis of his testimony will be found in my work *The Drama of the European Jews*, as well as the most plausible explanation of his suicide — or his assassination. There is also an analysis of the testimony given by the strange Dr. Miklos Nyiszli, who saw gas chambers 200 meters long and 1.05 to 2.55 meters wide in which by batches of 3,000, 10,000 persons a day were asphyxiated according to the German language edition, or 20,000

in the French language edition!

The others? They put gas chambers which they "saw" themselves in camps where we know today none ever existed (Dachau), or else they saw their comrades depart for "gas chambers" which they knew of only by hearsay. This is generally true of most of these testimonies.

Until recently, there was Hoess' wretched successor as commandant of Auschwitz, Obersturmbannführer Richard Baer who took command in December 1943. Arrested in Hamburg in December 1960, he was incarcerated at Frankfurt and the preliminary investigation of his case was begun under the direction of Prosecutor-General Bauer. He was accused of having continued the work begun by Hoess at Auschwitz and, between December 1943 and October 1944, of having had asphyxiated a little more than a million Jews in the famous gas chambers, especially 437,000 Hungarian Jews. Announced three times at six monthly intervals, his trial was put aside three times. The last announcement made in April 1963 put the trial down for the spring of 1964 — 2½ years after his imprisonment during which time the preliminary investigation was carried out. This was because he was stubborn and would not admit that during the time he was commandant of Auschwitz Jews had been asphyxiated in gas chambers. Furthermore he said that if such gas chambers had existed he would have known about it. Neither threats, nor persuasion, nor brain-washing — nothing could make him admit it. He had even succeeded in proving that what he said was true and had obliged Prosecutor-General Bauer to acquit him of that charge and to state publicly that it was incorrect to say that 437,000 Hungarian Jews had been gassed at Auschwitz. A defendant of Baer's stamp had never been seen before. A veritable catastrophe for the contentions of the Jewish Centre for Contemporary Documentation! Fortunately Providence came to the aid of Prosecutor-General Bauer. On June 23rd, 1963, the death of Richard Baer was announced, caused by a heart attack. So now he could be made to say anything that was required. Just as had happened with Gerstein.

I will certainly not go so far as to say that Baer was assassinated. No — he just died most opportunely, and it is only a matter of fortunate coincidence.

It will be a little more difficult to extract the truth about the gas chambers at Auschwitz. Sufficient unto the day is the evil thereof. So let us conclude by saying that if some day it were shown, in the middle of the 20th century, that an historical fact of such importance — involving hangmen and victims together, millions of people, 6 million of them exterminated in gas chambers, or in some equally horrible way — could only be supported by such a small number of documents and, in addition, by witnesses of such doubtful character, one could claim without risk of the slightest error that it was not a question of a fact, but of an historical *lie*, the most tragic and macabre of all time.

Chapter VI

CONCLUSION ON NUREMBERG

The definition of the crime and the criminal, the point of departure and keystone of the Indictment, Article 6, was the master point in the Nuremberg Charter. In itself it involved the historian in the obligation to juxtapose all the parts of the definition with the facts on which they were lined up, in order to give as exactly as possible a picture, to place these facts both in their historical context and their judicial context. The master point of the Charter, it also became that of this study, which explains its preponderance here.

After investigation, the conclusion is that it is really not even a question of a definition, but at the most a *petitio principii*, a fallacy in which that which is to be proved is taken for granted, namely the sentencing of a single one of the criminals arbitrarily chosen from among all those who committed the crime. Since those who picked out this criminal and decided on his trial were those who, working with him, created in detail all the circumstances of the crime and his co-authors were therefore in league against him, it is clear that no other result could come from their cogitations. Since at the same time they set themselves up as his judges, condemnation became automatic, and the other Articles of the Charter add nothing but codification to this automation.

From these Articles, which amount to so many statements nullifying the customary principles and rules of Law, the most important have already been mentioned: the one which qualified the judges, who are at the same time party (Article 1); the one which decreed that they might not be challenged (Article 3); the one which called for expeditious hearing by imposing a rapid examination of questions raised by the charges, and of those only (Article 18); the one which freed the Tribunal from technical rules of evidence (Article 19); and the one which allowed them to accept as established fact what was common knowledge, without requiring proof (Article 21). We have seen how these last two Article, in particular, allowed the Tribunal to accept in the present affirmative tense, documents written in the hypothetical conditional mode (*cp.* Hossbach Doc.) — that there were gas chambers at Dachau, that 6,000,000 were exterminated and, in general, all that has been said on concentration camps by all the deportees, although today it has been shown that they expressed their reaction much more as victims eager for compensation and vengeance than as objective witnesses.

Article 20 could be mentioned too: "The Tribunal may require to be informed of the nature of any evidence *before* it is offered, so that it may rule upon the relevance thereof."

All tricky debate in public was to be avoided; thus the defendants found themselves deprived of the last guarantee of

International Law, which is the public nature of justice. After citing Article 8, no more can be said; the rest is a morass of legal technicalities of no importance. "The fact that the defendant acted pursuant to order of his government, or of a superior, shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determine that justice so requires."

So the Germans learned in 1945 that since the accession of Hitler to power, they had not only had the right but the duty to act as conscientious objectors, and were so informed by jurists (*sic*) who did not grant this right to their own nationals, and which not one of them has recognised in those terms since then. It is enough to make one tremble to think that if the F.L.N. had been victorious in Algeria and taken all French soldiers who fought against them prisoner, they could have sentenced them all by applying this Article 8. The inconsistency — not to say more — is seen at once when one knows that the masters of these jurists went so far as to cover with honours certain of their nationals whose participation, under order, in crimes maintained as such by the Tribunal, was indisputable. For example, Professor Balachowsky, Russian-born naturalised French in 1932, head of the laboratory of the Pasteur Institute in Paris, deported to Buchenwald on January 16th, 1944, assigned to Block 50, told of criminal experiments. Cross examined at Nuremberg as a witness on January 29th, 1946, after having admitted that "each one of these experiments amounted to an assassination" (Volume VI, p. 322), this Balachowsky justified himself by saying, "one had to carry out to the letter the orders given, or disappear" (*op. cit.* p. 328). Not only did the Tribunal not apply Article 8 of the Charter to him for having "obeyed criminal orders", but, as has been remarked, he now lives very comfortably in Paris, covered with honours, spreading trepidation and fear amongst those Germans whose orders he did not disobey. It depends on who you are. In that, the judgements of the Nuremberg court were indistinguishable from those of the court of the fabulist. And Balachowsky is not the only one of this kind!

All the attorneys at Nuremberg put in a plea to the effect that this could shake the very foundations of the state if it were universally accepted. Dr. Robert Servatius, Eichmann's counsel, revived this plea in similar terms at the hearing of December 13th, 1961 of the Jerusalem Tribunal:

"*Confidence in the rulers is a fundamental principle in all countries. Action is dumb, obedience blind. Such are the qualities on which a country leans. Are these qualities rewarded? That depends on political success. If the policy collapses, the victor will consider the order a crime. He who obeyed it will be out of luck, and will have to answer for his loyalty. The gallows or honours, that is the question. When it ends in failure, the order is an infamous crime, if it ends in success, it is hallowed.*" (*Le Monde*,

December 14th, 1961).

And in his *10 Years and 20 Days*, Admiral Doenitz makes the following commentary on this Article 8:

"*. . . to ask of a soldier anything but obedience is to shake the very basis of the military life and compromise the security of one's country . . . Moreover, the nations took good care not to apply it during the Korean War as well as in the Suez expedition, in November 1956. On the contrary, the British soldier who refused to take part in that expedition was brought before a war council and convicted for refusal to obey, in violation of the Nuremberg Charter.*" (*op. cit.* p. 41, of the French ed.)

What troubles me is not that the foundations of the state can be shaken, but that an individual can be put in the position of having to ask himself, before obeying, not whether the order conforms to justice, but whether the one giving the order is the strongest of all those who, wherever in the world, have received from Heaven or from chance the mission to command.

Once more this is justice installed in the house of the Might that makes Right.

There have been many other violations of the Nuremberg Charter since 1945: the action of Great Britain in Egypt (1952—54); of Russia in Hungary (1956); France in Indo-China (1945—54), then in Algeria (1954 on); Belgium, the United States and the United Nations in the Congo (1958 on); without counting Mao Tse-Tung in China and Castro in Cuba. They are just so many crimes with regard to Article 8 and yet there has never been any question of assembling a Tribunal at Nuremberg to which to submit the cases of the guilty.

* * * *

Only the proceedings remain.

To give an accurate picture would require a detailed examination into the manner in which they were conducted, running to as many volumes and pages as are in the Report — 23 volumes, averaging 600 pages each, in quite a respectable format, for the first trial, another 77 volumes for all 13 trials. In spite of the pleasure the polemicist in me would derive from it, that is a work outside the frame of this study, relating as it would more to the jurist than to the historian.

Besides, I think I have given enough specific examples to give a sufficient idea of the circumstances in which these articles I have cited were used to impose silence on the defence (on matters, for example, as important and as abundantly used by the Prosecution as the Versailles Treaty); or to have accepted as *bona fide* such obviously false witnesses as Dr. Blaha or the Hauptsturmführer Hoettl, and Wizliceny — documents as evidently distorted as the Hossbach report or as obviously false as the Gerstein report, statistics as fantastic as those drawn from Auschwitz commandant

Hoess' memoirs and disavowed by the author himself. In this first trial of the major criminals alone, one finds hundreds of examples of this kind, and their number or the lack of scruple of the judges were further multiplied in the dozen trials that came after.

To conclude, I would nonetheless like to point out two more of the eleven rules of procedure annexed to the Charter, to mitigate its imperfections with regard to the aim pursued: Rule No. 2 and Rule No. 4.

Under the title "Notice to Defendants, and Right to Assistance of Counsel," the first is, in paragraph (a), Each individual defendant in custody shall receive not less than 30 days before trial, a copy, translated into a language which he understands, (1) of the Indictment; (2) of the Charter; (3) of any other documents lodged with the Indictment; (4) of a statement of his right to the assistance of counsel as set forth in subparagraph (d) of this Rule, together with a list of counsel.

Nothing to show what paragraph (d) is about. On the other hand, paragraph (c) of Rule 4 exercises a considerable restriction on the provisions of Rule 2, concerning the right to receive all the documents referred to in the Indictment, by specifying that they will receive them "only so far as they may be made available by the Prosecutors."

From this we can see that the writers of the Chater took every precaution. It is fair to say that this last provision played a greater role with regard to "witnesses" than with "documents". The number of "witnesses" who had drafted "documents" either before dying, or still living, but whom the Prosecutor-General was not able "to make available" is incalculable. As if on purpose, the "documents" drawn up by these people were the most devastating.

But it is especially to Rule 2 that I would like to draw attention. First, the 30 days allowed for the delivery of documents to the accused was only rarely respected. Not one of the accused, in the Trial of the Major War Criminals at least, did not have to face, in at least one or two sessions, documents brutally produced about which he knew nothing. The President then extricated himself by stating that the Rule was not pertinent. The proceedings ended, one perceived that these little breaches did not prevent the judge from being very much to the point. And since the judgement of the Tribunal was without appeal, the defence did not even have the possibility of objecting on grounds of faulty drafting. This might not be so serious except for the fact that the decisions of this first Nuremberg Tribunal established the jurisprudence of the twelve that came after. Much more than by the facts brought out against them at Struthof, the doctors of this camp were declared guilty simply because they had already been declared guilty at Nuremberg, and in just about that way.

In the Struthof trial, Captain Henriet, government commissioner, publicly acknowledged that he could not prove that the typhus experiments of Dr. Haagen had produced death. But he added that

the Tribunal could base its conviction on presumptions of guilt and these presumptions of guilt, he said, had sufficed for the reasons adduced at the Nuremberg Trial. At the time (1954) I observed, in the Introduction to the second edition of *Mensonge d'Ulysse*: "This cannot fail to strike the reader if he knows that the Nuremberg Trial, too, based its convictions only on testimonies of whose value we knew the worth; and on what is called the lies of Haagen, therefore on more presumptions, and consequently reasoned the same way. Thus the Nuremberg Trial inaugurated an era of condemnation, based not on facts judicially established, but on simple presumptions deduced from vague talk."

There is worse. However, to avoid being taxed with prejudice or exaggeration, I prefer to let someone speak here who is under no suspicion among the lovers of justice. This is what William L. Shirer says in the Preface to his *Rise and Fall of the Third Reich:*

"The swift collapse of the Third Reich . . . resulted in the surrender of documents etc., diaries, telephone talk, etc. e.g. Hitler's diary, a unique source of precise information, Goebbels' diary, OKW, Naval High Command etc. 60,000 files of the German Naval archives, which were captured at Schloss Tambach near Coburg, contain practically all the signals, ships' logs, diaries, memoranda, etc., of the German Navy." (Am. ed. 1960, p. ix) 485 tons of papers . . . (This is a condensed translation.)

I ask the reader to think about these statistics. 60,000 files of the Naval Archives, records of the Foreign Office weighing 485 tons, hundreds and hundreds of thousands of documents in all. Who can believe that between August 8th, 1945 — the meeting of the Committee at London — and November 14th, 1945, the appointed prosecutors were able to examine this mountain of pieces of evidence seriously enough to make up an indictment historically and judicially grounded? Or that 30 days was enough time for the defendants and their counsel to extract everything from them that could be used in their defence?

Judicial truth, under the circumstances, of which historical truth is the only basis, includes all of that. And to seriously examine all of that would require, beyond any doubt, ten, perhaps hundreds of years, and thousands of historians.

For several years after the war, William L. Shirer tells us: *"(these) tons of Nazi documents lay sealed in a large U.S. Army warehouse"* and nobody showed any interest. In 1955 thanks to the initiative of AWA etc., papers were opened and a *"pitifully small group of scholars"* with inadequate staff sifted through and photocopied them before the *"government which was in a great hurry in the matter, returned them to Germany."* (Condensed from p. ix, Shirer, Am.ed., 1960.)

These "tons of paper" are now in Germany and it is solely up to the German government as to who should have access to them, no longer just "a pitifully small group of historians," privileged because they support the official view, but all qualified historians.

Permit me to recall that in 1960, in the course of a series of lectures in Germany and Austria, I asked the German historians to form an independent committee for such a study.

My appeal fell on deaf ears. The point I want to make is that one cannot but be dumbfounded that after just a few months of studying this immense pile of papers, a handful of prosecutors and judges together felt they could say that they were sufficiently enlightened — the former to draw up an indictment, and the latter to pronounce sentence.

Fifteen years later the blush of shame has still not crept up their faces.

I warn them, however, that even though he succeeded in having the Duke d'Enghion assassinated without ever blushing in shame for it, even Napoleon has not escaped the judgement of history.

* * * *

Having chosen to expose the actual facts in terms of the appraisal given them by the Nuremberg judges, I had to depend on the classification which the Indictment made of them, and it is possible that at the same time the chronological order may have been a little upset and that some facts have escaped me — those which were not involved in a "decision in law," to use the language of jurists. I hope that I have not overlooked any considered to be important and that any oversights have not seriously prejudiced the basic argument of this study, nor shaken the sequence of events too much.

If the medical experiments which played so great a role in the film of German horrors and atrocities, and which were carried on in a certain number of camps (probably Auschwitz, Dachau and Buchenwald), have not until now been considered, it is not an oversight, but simply that they have not figured naturally in the method I have adopted. I do not intend, moreover, to treat them in detail; a volume would be needed for that. Dr. François Bayle, doctor in the French Navy, devoted a masterly work of 1,519 pages to them, *Croix gamée contre Caducée* (1950) (without a bibliography because he did not have one, and also without an alphabetical index). Although this work is not without errors (far from it! — because Dr. François Bayle, being a doctor and not a historian, obviously did not tend to weigh the validity of the documents with which he worked but accepted them all), it is a mine of information. At least it has the merit of presenting, without comment, the documents he used. That the medical conclusions he arrived at from the documents are without value (because they rest on imaginary actions, that is to say, on nothing) is another story, and it is surely a sensation for medical science. However, it is not the business of the historian to do more than point out the verification or lack of it to those responsible for the teaching of medicine. Just the same one may regret that such a

work, of great interest to the medical profession, was undertaken by someone with no historical qualifications, when the conclusions he came to should have been based on historical facts. That is the problem with culture in general; a problem which will have to be stated again, from the start, when we study *The Destruction of the European Jews* by the political scientist Raul Hilberg, which presents the problem in about the same way.

With these reservations, *Croix gamée contre Caducée* is unquestionably a work of good faith. If the author happened to work on documents that should have been approached very cautiously, at least he did not invent any, nor did he twist the meaning. It must also be acknowledged that every time he had the chance, he never failed to put the event in question in its medical context and very objectively, too. Thus, reproaching the Germans for the medical experiments they indulged in — and this seems to me to be the normal reaction of a decent person — he did not neglect, like some Poliakov, Olga Wormer or other, judging from their writings on other matters in the same line, to compare them with the same sort of experiments indulged in by the French, British, Americans, Dutch, Japanese . . . Among the experimenters cited were: Strong, who vaccinated 900 persons in a British colony with live plague bacteria, without concern for the consequences; Blanc, who similarly vaccinated "hundreds of thousands of Moroccan natives with a live virus producing high fever, but who took the risk because of danger of typhus"; Balthasar, in American prisons (p. 1,240) etc.

It is no secret to anyone that before, as during and after, the Second World War, medical experiments of the same nature have been a regular practice in all latitudes. Nor that all the hospitals — and a few prisons, such as Sing Sing in America — always have plenty of guinea pigs for the doctors who do not give them much choice in the matter, especially when it is a matter of colonials or prison inmates.

The mistake of Hitlerian Germany was to carry out these medical experiments on subjects who were not their nationals. But when it came to a study of vaccines, other nations of the world performed experiments on a large scale on their colonials. In actual fact, we note again that Himmler prohibited them in all camps in a circular dated May 15th, 1944. Consequently, unless it would have been possible after that date to continue to send their results to the *Institut für Rassenbiologische und Anthropologische Forschungen*, which had made a point of broadcasting Himmler's prohibition, as the Hungarian communist Dr. Miklos Niyszli claims they did in his *Doctor at Auschwitz*, the "evidence" which the "historians" of the Jewish Centre for Contemporary Documentation present, after that date, can only be fairy tales; and that is what it is.

I would like to give another example of exaggeration in medical experiments: those of the Struthof (Alsace) concentration camp.

Until 1954 we were deafened by the cries of the press: "tens of thousands dead in the gas chambers of this camp." Even in 1963 it is not unusual to hear or read the same publicity refrain in the same words. In the first two weeks of January 1954, at Colmar, sentence was passed on Professors Haagen and Hirt, who were considered responsible for that dreadful crime. In the indictment, reproduced by the newspaper *Le Monde* (Paris, January 7th, 1954), we find:

1) That one of them is charged with the death, at his order, of the 87 Israelites, men and women, who came from Auschwitz, put to death in the gas chamber, later to be sent to Strasbourg to add to the anatomical collection of the German professor:

2) That it is said of the second: "I willingly admit that the first series of experiments did not result in death";

3) This commentary: "It is now a question of whether the typhus experiments resulted in deaths. Captain Henriet (he is the government commissioner who is prosecuting) admits that he cannot perhaps bring proof, but he thinks that the Tribunal can base its conviction on circumstantial evidence when it is adequate, as in this case. This presumption he finds in the testimonies, and in the reasons adduced by the Nuremberg Court, in the lies of Haagen (the doctor on trial) and his dissimulation during the first examinations. He thinks that these facts should allow the Tribunal to answer affirmatively the question, "Was Haagen guilty of poisoning?"

That these experiments mentioned in the charge should result in 87 deaths is of course horrible, both in principle and in fact. But, the "tens of thousands of dead" of the horror and atrocity propagandists amounted, after all, to only 87, and the gas chamber in question was not a gas chamber at all, but a hall for medical experiments which, although nonetheless to be condemned, is still something quite different. I immediately asked the question, "If you continue to claim that tens of thousands of deportees died in this camp, you must now tell us how they died, since it was not in the gas chamber." Since no one answered I gave the answer myself, which was within the frame of my general thesis on the phenomenon of concentration camps. All the camps had been "Rafts of Medusa"* in which the Häftlingsführung (self government by the deportees themselves) selected — without any hesitation to be absolutely sure of not lacking provisions — not those to be eaten, but those to be thrown overboard.

I call attention again to the fact that in admitting that he could not prove that all the deaths attributed to the Struthof camp could be summarily attributed to Professor Haagen, Prosecutor Henriet asked the Tribunal to base its conviction not on the materiality of facts, but on "assumption." The Nuremberg Tribunal having already pronounced itself in this matter, it was enough to take up the adduced reasons, for the benefit of the *res judicata.* But the

* Refers to a painting by Géricault.

Nuremberg Tribunal had reasoned in precisely the same way and, in order to condemn, had based its conviction on "assumption" (presumptive evidence) by referring to Article 19 of the Charter, concerning "common knowledge." All this was "common knowledge" because one could read it every day in every paper, so it was not necessary to go to the trouble to find witnesses to come before the bar and tell the Tribunal what they claimed to have *seen*, but what in reality they had only *read* in the papers.

That, for the time being at least, is all that I wish to say about the medical experiments.

Examples of this kind are legion, and I would need as many pages to refute them as Dr. Bayle needed to expose them.

If the need arises some day, there will always be time.

* * * *

The Eichmann trial presented a delicate problem. From a work which appeared so soon after the judgement was rendered by the Jerusalem Tribunal, the reader surely expected that some special mention would be made of it. But "so soon after" is still "too litle time" for the historian to present an objective picture. And I do not think that it is possible yet to add much to the references that I have made in this book.

Moreover, it does not seem to have enriched the file with many new items. Of the documents produced by the prosecution, every one had already been produced at one or other of the 13 Nuremberg Trials. The witnesses who passed before the bar said nothing more than had already been said, and in the same words.

Many of them came only to recite not what they had *seen*, but, like all the witnesses for the prosecution at this sad time, what they had obviously *read* in one or another of the innumerable books published for 15 years on the matter. There were those who came to attest to the existence of gas chambers at Bergen-Belsen; there was the one who "saw" Eichmann listening with pleasure, on July 18th, 1942, to the report of the asphyxiations at Auschwitz, when at that date neither gas chamber nor crematory existed — as proved in official documents, none of the apparatus was even ordered from Topf and Sons of Erfurt until August 8th, 1942. Even the judgement could have been prepared a long time in advance.

In short — the 14th Nuremberg Trial.

If it differed from the others it was only in this way: the conditions in which it could take place, the procedure of its development only added the abuses of Israeli law to the abuses of the Nuremberg Charter.

The following chapter will show most of what can now be said on that matter.

Chapter VII

THE EICHMANN TRIAL, OR . . .

THE NEW MASTER SINGERS OF NUREMBERG

On May 28th, 1960, the name of Adolf Eichmann, unknown until then except to a few specialists in the history of National Socialism and German concentration camps, suddenly became notorious in the world press. On that date Ben Gurion, President of the Council of State, ascended the plinth of the Knesset (Israeli Parliament) and announced to the deputies that "the person responsible for the death of six million Jews, and their executioner" had been captured by commandos of the Israeli secret service, and taken the preceding May 11th from Argentina; that he was in prison in Tel-Aviv; and that he would be judged by an Israeli tribunal.

And from that date on, the "six million Jews" — zealous journalists even spoke of 9 million — "men, women, old folk and children, exterminated in the gas chambers at Auschwitz" and other places, were once again served up every morning for breakfast the world over.

On the 11th of April, 1961, after a preliminary investigation that lasted no less than eleven months, the trial in question began at Jerusalem before an audience of journalists from every corner of the earth.

And on the 11th of December, the Tribunal rendered its judgement — the death penalty.

On Eichmann's personality, the conditions under which his trial developed, the arguments brought forward, the political context into which the facts invoked against him must be placed and the interpretations given them, the jurists, it seems, had much more to say than the historians, and for the following reasons.

1. Who is Adolf Eichmann?

Adolf Eichmann was born in March 19th, 1906, at Solingen (and not in Palestine in the German colony of Saron, as Mme. Nina Gourfinkel succeeded in making everyone believe. She wrote the preface to the book of Joël Brand, *Un million de Juifs contre dix mille camions* (*One million Jews for 10 thousand trucks*) which holds an honourable position among the many historians born of Resistancism).

His father was Prokurist (legal representative) for the tram company of the city. In 1913 the family moved to Linz where, after having held the same job as at Solingen for a while, his father retired and opened up a business in electric appliances. But in 1913, the Eichmann family was made up of the father, the mother and only Adolf; of the five children it included (one of which was

from the father's earlier marriage), the eldest was German and the other four Austrian. In the 1930s, under Chancellor Dolfuss, this had a certain importance because the eldest, considered a foreigner in Austria, could not find employment. Through his family's contact with Kaltenbrunner, then leader of Austrian National Socialism at Linz, he became a salaried member of the Party at Passau, in Germany, because such activities were specifically forbidden to him in Austria. Thus began the career of Adolf Eichmann.

Little by little, he climbed the ladder in the S.S., up to Obersturmbannführer (Lieutenant-Colonel) of the Reichssicherheitshauptamt (Central Office of the Reich Security Service) in which, from its inauguration in 1936, he had been attached to Office (or service) IV B 4 (Jewish affairs).

In order to assess his responsibility in the Jewish drama we have to see him in his rank in that service, and we must mention that the Reichssicherheitshauptamt was composed of seven sections, all of an executive character: in the fourth of these offices, in section B (there were two sections — A and B), Eichmann was head of the fourth sub-office. Over him in the hierarchy, there was a colonel Müller, head of all the sub-offices grouped under IV B, about whom nobody has ever talked (he later became a very high police functionary in East Germany).

Above Müller there was another colonel — Roth — head of the two sections A and B. Above Roth was Heydrich, head of all seven offices. Finally came the supreme head, Heinrich Himmler. When Heydrich was killed by the Czech Resistance at the beginning of June 1942, Kaltenbrunner took his place and, until the end of the war, that was the only important change that took place in the directorship of the R.S.H.A.

In the Reichssicherheitshauptamt, Lieutenant-Colonel Adolf Eichmann was therefore sixth in rank, and on the *functionary level only* of decisions taken at a much higher level than Himmler himself, since it was only in 1943 that Himmler was raised to the rank of minister.

In the machinery of Nazi power there were thousands and thousands of posts with this type of responsibility.

From March 1942 on, the date when the massive deportation of the Jews began, Office IV B 4, of which Eichmann was the head, got orders to devote itself to their transportation to concentration camps. In a similar way, the office of which Pohl was the head had the order to devote itself to the economic organisation of those camps, and another office was ordered to make investigations among the Jews and re-group them. But since all the steps to be taken concerning the Jews were decided at government level, Eichmann's only part was to carry out the orders and only to the extent that the order concerned him.

It was only in relation to these considerations that Eichmann's responsibility and guilt could be defined and, in all traditional

societies, it is the personal drama of everyone to whom, under threat of severe condemnation, right of conscientious objection is denied. On this point the Jerusalem trial showed that from 1941 on, Eichmann experienced that drama in the same way that Professor Balachowsky of the Pasteur Institute at Paris did at Buchenwald — forced by Dr. Dingschüller to experiment on the deportees with vaccines, knowing perfectly well, as he has himself testified, that it amounted to assassination. I said in the same way because, if there is a difference, it is only one of motives. While the Lieutenant-Colonel, whose education was obviously rudimentary, explained his obedience to orders received in terms of obedience to State policy and love of country, the Professor, whose education could not be doubted, gave as his reason that he did not want "to disappear." That this difference materialised in the final analysis in the rope for one and honours for the other is the essence of the problem. If, as traditional ethics have it, it is true that in all this it was the motive that counted, one could then say that in this case the roles were badly allotted by justice.

2. The Trial itself

With regard to moral as well as international law, Adolf Eichmann found himself as a defendant before an Israeli tribunal under conditions which were as wrong to one as to the other. No one has more clearly established that than M. Raymond de Geouffre de la Pradelle in an article published in *Le Figaro* on June 9th, 1960.

It is best to let him speak for himself; if my competence in the matter could easily be questioned, it would be very difficult to dispute his.

This is what M. Raymond de Geouffre de la Pradelle says, all other considerations aside, on the question of guilt:

"The proceedings carried on right after the end of the war by the Allies were based on the London agreement of August 8th, 1945, and the Moscow declaration of October 30th, 1943, to which the London agreement expressly refers. The principle laid down is that of the return of war criminals to the country in which their crimes were committed. In addition to that, the London statute of August 8th, 1945, created an international military tribunal to try criminals whose crimes were without definite geographical localisation . . .

This London statute was promulgated by the Allies after they had received, May 8th, 1945, from the head of the Reich government, Grand Admiral Doenitz, through the unconditional surrender, the mandate of German sovereignty . . .

There is no international text given that gives the State of Israel the right to judge a foreign national to whom crimes against humanity are imputed, or war crimes, when these crimes were committed in a foreign country. Furthermore, at the time when

Adolf Eichmann

Eichmann on trial. Foreground, defence counsel, Robert Servatius.

Supreme Court Justice
Moshe Landau

Judge Benjamin Halevy

Judge Yitzhak Raveh

Gideon Hausner

The Prosecution lawyers. Left to right, Hausner, Jacob Baror, Gabriel Bach, Jacob Robinson

Spectators at the Trial

CEDULA DE IDENTIDAD

No. 212430

Firma del interesado

PULGAR DERECHO

I. D. E. 4332 I. 2229

PRIO. No. 389.074

Foto tomada 3 [illegible] de 19[illegible]

Adolf Eichmann's identity card in Argentina, where he was known as Ricardo Klement

Fórm. 86

Certifico que don Ricardo Klement

que dice ser de estado soltero

que lee y escribe Si y cuya fotografía, impresión digito-pulgar derecha y firma figuran al dorso, es nacido el 23 de Marzo de 1913 en el pueblo de Solingen Provincia de [illegible] Nación Alemania que tiene 1 m. [illegible] etms. de estatura, el cutis de color blanco Cabello rubio Barba afeit. Nariz dorso recto Base [illegible] Boca medio Orejas medias

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Observaciones:

Tucumán, Abril 3 de 195[illegible]

DEPARTAMENTO DE INVESTIGACIONES

AMADO JURI

JEFE DE POLICIA

these crimes were committed, there could be no question of victims of Israelite nationality because the State of Israel did not exist.

The State of Israel is sovereign. Within the limits of its territory Israel may, if it wishes, by special law, give itself whatever jurisdictional right it chooses. But this right violates the general principles of law, and of the international rule of competence established for crimes having an essentially international character, since having been carried out in Germany at a time when German law considered them licit, they are crimes only with regard to international law."

And M. Raymond Geouffre de la Pradelle concludes that the only lawful procedure would have been a demand on Argentina for extradition by Germany, who alone was qualified to make such a demand.

It could not be better put. But Argentina had given Eichmann the right of asylum, probably the reason why, as any other country in similar circumstances would act, Germany did not demand his extradition. Is France today asking for the extradition from Spain of many French citizens considered by her to be criminals and to whom Spain has granted asylum? Even Napoleon III did not ask for the extradition of Victor Hugo from Britain.

Still, France did not go on to kidnapping in France or in Argentina. The only example historically comparable with Eichmann's kidnapping, is that of the Duke d'Enghien by Napoleon I, and neither Law nor History has forgiven him for it.

The reader will excuse me if, instead of invoking moral principles which are always debatable, I have preferred to cite the texts. Although they are colder, they lend the Eichmann trial the character of a Moscow trial; and if grounds for guilt could be stated against Eichmann, they have disappeared in the face of the unpardonable circumstances of his kidnapping and, in the eyes of posterity, the person who was condemned is more likely to be considered a victim than an executioner.

Posterity is all the more likely to come to this conclusion because Eichmann's defence was not able to cite in court all the witnesses for the defence that it would have liked to; for example, all the Germans living at liberty and in harmony with international law and the laws of their country, were threatened with arrest for suspicion of guilt of crimes leading to a death sentence, if they so much as set foot on the soil of Israel. Under such circumstances, Eichmann was not judged, he was assassinated.

3. The Accusation and its Political Meaning

The prosecution was considerably weakened by its central motif: the six million European Jews mass-exterminated in gas chambers. It can never be repeated often enough that this figure was given only by the press and the witnesses; as we know, the indictment drawn up by M. Gideon Haussner confined itself to

saying "millions", and that is the first step of admission in this obvious imposture.

After the war, in an atmosphere of mental confusion and general disorder, it was easy to have that argument accepted. Today many more documents have been made public which were not known during the Nuremberg trial, and these documents tend to prove that although Jewish nationals were odiously attacked and persecuted by the Hitlerian regime, it is not possible that there were 6 million victims.

Once it became possible to even discuss the figure and it was agreed by everyone in the world that the figure was considerably exaggerated, then it was possible to talk about how it was done. For example, we know today that there were no gas chambers at Buchenwald, or at Bergen-Belsen, or Dachau, or Mauthausen. Caught in the act of lying concerning gas chambers in these camps, witnesses who had pretended to have seen them functioning were naturally not believed when they talked about the gas chambers at Auschwitz, which is perfectly natural. Their credibility declined even further when they contradicted each other; if one could be believed, the other could not. Faced with these contradictions, what is public opinion to do except to dismiss both parties and to charge them with having fabricated the story?

If, on the other hand, from the number of prosecution witnesses still alive, one turns out occasionally to be of no more worth than those whom he is accusing — one of their accomplices or a former member of the *Intelligence Service* etc. — public opinion sees only added grounds for its disapproval.

Such was the case of von dem Bach-Zalewski, Obergruppenführer General of the Waffen S.S., and head of one of the famous *Einsatzgruppen* (something like commandos) in pursuit of partisans and Jews on the Eastern front. Thanks to him we learned about the activity of these marginal units, and of a speech given "at the beginning of 1941" at Weselberg (without any more detail), in which the Reichsführer S.S. was supposed to have said that "the aim of the campaign in the East is to reduce the Slav population by 30,000,000." But no one else has ever heard of this speech and no written text of it has ever been produced (Nuremberg hearing of January 1st, 1946, Volume IV, p. 500). On January 16th, 1961, this von dem Bach-Zalewski was arrested for "a political assassination committed in cold blood" on July 2nd, 1934, and for acts of cruelty in which he was involved "during the crushing of the Warsaw uprising of 1944 and during the struggle against partisans in the Russian campaign, as well as the execution of Polish hostages at Sosnovitz-Dendzin." (Newspapers, January 17th, 1961, dispatch of the A.F.P.) And on February 11th of the same year he was condemned to 4½ years in prison, which shows that since Nuremberg justice has become singularly indulgent.

And that was the case again when, on January 25th, 1961, the British magazine *Weekend* came out with a photograph on its

cover of Hoettl, with the following caption:

The SPY STORY
that's stranger than fiction
He was a friend of Nazi leaders
His real boss was a British
secret service man

That was how it was learned that the principal witness for the establishment of six million as the number of Jews exterminated by Nazism was an agent of the *Intelligence Service* (!!).

It is well to make it clear that this figure of 6 million depends on two testimonies only: that of Hoettl and that of Wizliceny.

This is the statement of the first:

"*In August 1944,*" said Obersturmbannführer Dr. Wilhelm Hoettl, head of the bureau connected with section IV of the Reich Central Security Office, "*S.S. Obersturmbannführer Adolf Eichmann, whom I had known since 1938, had a conversation with me in my apartment in Budapest . . . He knew that he was considered a war criminal by the United Nations because he had the lives of thousands of Jews on his conscience. I asked him how many, and he answered that although the number was a great secret he would tell me because, from the information he had, he had arrived at this conclusion: in the various extermination camps about 4 million Jews had been gassed and 2 million killed in another way.*" (Taken from the Report on the Nuremberg Tribunal, Volume XXXIII, p. 85—87.)

And the second:

"*He (Eichmann) said that he would jump into his grave laughing because the thought of having 5 million persons on his conscience would be a source of extraordinary satisfaction to him.*" (*op. cit.*)

Of these two testimonies, M. Poliakov himself says, "One could certainly raise the objection that a figure so imperfectly supported must be considered suspect." (*Revue d'Histoire de la seconde guerre mondiale*, October 1956).

Nobody made him say so! We also know that one of these two witnesses was an *Intelligence Service* agent. And the other, who had seen Himmler's signature on an extermination order, put himself at the disposition of the law in order to trap Eichmann and seek mercy for himself, but was hanged, despite his co-operation, for having been Eichmann's accomplice.

Concerning the political context in which the Trial should be placed, it is well to note that M. Raymond de Geouffre de la Pradelle was not the only one to protest against the kidnapping of Eichmann and to deny competence to the judges of Jerusalem. Even in Israeli circles there were eddies of feeling before the opening of the trial, and there still are, after the sentencing of the accused.

In the *Monde* of June 21st, 1960, one could, for example, find

the attitude of the American Council for Judaism,* which represents the point of view of the majority of American Israelites, namely:

. . . The American Council for Judaism last Monday sent a letter to Mr. Christian Herter denying the right of the Israeli government to speak in the name of all Jews. "The Council declares that Judaism is a matter of religion and not of nationality, and asks Mr. Herter to oppose the pretention of the Israeli government to judge Eichmann in the name of Judaism."

To this, Mr. Nahum Goldmann, President of the World Congress of Jews, very embarrassed, replied:

"As the Israeli authorities have admitted, this action is obviously an infringement of Argentina laws. It could furthermore establish a dangerous precedent. But the case is so exceptional that the illegal aspect of the action should not be considered the only or even the principal element of the matter . . . The State of Israel cannot claim to represent world Judaism (Jewry), but since Israel does exist, and since it has succeeded in capturing Eichmann, I am in agreement that he be judged in the Hebrew State. If Mr. Ben Gurion wishes to turn the Eichmann trial into another Nuremberg it would be to his advantage to support the Israeli president with an ad hoc *tribunal made up of representatives of all the countries who suffered under the yoke of the ex-S.S. colonel."*

But even this point of view was not accepted by the Israeli government.

In any case, it was not a legal problem that the State of Israel was claiming to solve by this trial, but a political problem. Indeed, we know that the indemnity which Germany has been constrained to pay Israel, in the name of damages which this state did not suffer, was to come to an end on January 1st, 1962. Since the annual payment amounts to 200 million marks, one of the State's most important sources of revenue was in danger of drying up. It was all the more serious because the Israeli budget cannot do without assistance of this proportion. Israel has survived for twelve years, thanks only to the German reparations, American aid, French and British kindnesses and subsidies from Diaspora Jewry. Naturally, the Israeli government wanted to get a pure and simple renewal of payments for an indefinite period. No less naturally, Germany thought they had had quite enough. So it was not Eichmann himself committed for trial but Germany, threatened with having all the leading political figures of her government charged before the universal conscience during the course of this trial. All the ministers and the most influential members of Chancellor Adenauer's political circle were liable to be accused of connivance with Nazism through this trial. And so it was really a question of blackmail: either Germany would accept the proposed

* Editor's Note: Unfortunately Rassinier is wrong here. The American Council for Judaism is anti-Zionist but does *not* represent the majority of American Jews. He confuses A.C.J. with the more Establishment A.J.C. — American Jewish Committee.

deal implicitly, or no German government was possible. Such calculations can, at least, be attributed to the leaders of the State of Israel. And, by a singular coincidence, it harmonised admirably with the concerns of the Kremlin.

I have found this contention in many publications which cannot be suspected of being sympathetic to Germany or hostile to the Jews. In particular, in the *Canard Enchaîné* of April 2nd, 1961, just after the opening of the Eichmann Trial, we read:

"*The Eichmann Trial,*" said the *Canard Enchaîné*, "*is going to appear as a trial of Hitlerian Germany on the one hand and of Konrad's Germany on the other. Certain people, such as some Israelis not to be named, say that they have no hand in it, and that as far as they are concerned they are interested only in a trial of National Socialism, do not care a damn for Eichmann and are going to multiply the proclamations against Adenauer because employed in his government are quite a number of ex-Nazis, such as his favourite, the Secretary of State Globke, dedicated annotator of the Nuremberg racial laws.*

"*During the hearings we can expect to hear the names of hundreds and hundreds of persons presently employed in Federal Germany. Such heaps of judges, officers, deputies, high officials, professors etc., are going to get so splattered that it will be a pleasure to watch.*

"*All to the good of Bonn propaganda. Some are laughing to split their sides saying that Nikita will at once certainly, and dryly, bring up the problem of Berlin, right during the trial, just at the moment when world opinion will be very aroused against Germany.*"

Two weeks earlier it had already stated:

"*A few days after his capture (Eichmann), Ben Gurion, who was giving speeches in the United States, heard that a certain Konrad turned up in Washington again for a talk with Ike. B.G. . . . took the first available taxi and hurried to where Konrad was staying.*

"*He went in with a certain smile, he came out with a grin. If you looked closely, seen in a fold of his tie (although he never wears one) was something like a cheque for 500 million marks. Germany was starting to pay again! At last!*

"*The Israelis are not in the least disconcerted when this detail is pointed out to them — after all, the expenses of the trial have to be paid for, they tell you, with a big laugh.*"

I do not know whether Adenauer gave out 500 million marks or not; the two suppositions are equally plausible. But if he did give 500 million marks, it was hardly more than two annual payments. In consideration for that sum, assurances must have been given to the Chancellor that certain things would not be said. And in fact they were not. The German press which reflects government opinion (*Die Welt, Frankfurter Allgemeine, Süddeutsche Zeitung*, etc.) was unanimous in underlining "the relief felt retrospectively

at the way the trial was developing." Before the first hearing, as *Le Monde* at Paris, December 16th, 1961, explained, Bonn expected to be in the limelight for weeks, even months, with a resultant stirring up in the world of anti-German resentment. Nothing like that happened. The Eichmann Trial did not turn into a trial of the Federal Republic.

The subsidies were to continue until April 1st, 1964. Between now and that date the Israelis will try to find a way to get a renewal. There are still quite a number of Eichmanns around. By that I mean persons who could be accused of crimes against humanity and against the Jewish race. Is Israel already nursing a plan for the kidnapping of the next one, for another blackmail attempt on the same terms? One hears a lot about S.S. Obersturmbannführer Dr. Mengele, doctor at Auschwitz, accused of the most unimaginable experiments on Jewish prisoners. In any case, it is a most profitable expedient and one that can be taken up again and again, almost indefinitely, and which could assure the financial stability of the State of Israel for a few centuries. When, at so distant a date in the future that it cannot be predicted, the last of the Nazis has been hanged in Israel, nothing will be left except to write the music for these *New Master Singers of Nuremberg*, since under the aegis of the Nuremberg trials the libretto has already been written for the new *Ballad of the Hanged*.

4. From Scandal to Scandal

The way in which Eichmann was kidnapped was a scandal with regard to the law of nations. We have seen that, in addition to the greatest international jurists, such eminent Jewish personages as Nahum Goldmann, for example, and even organisations like the American Council for Judaism were disturbed. In this line, there is more to come.

In Argentina Eichmann had made the acquaintance of a former S.S. man, Dutch by birth, Sassen by name. He had been a war correspondent attached to S.S. operational units during the entire conflict and been sentenced to death in his own country. He was then living in Buenos Aires on an import-export business, a little bit of journalism and other writings. For a very long time this Sassen did not know just who this man was who called himself a former S.S. man like himself; who frequented as assiduously as he did Argentine circles of exiled Germans; who said his name was Ricardo Klement, which everyone in those circles knew was an assumed name. But he had noticed that of all the exiled Germans with whom he had met, this Ricardo Klement was the best informed on what Jewish writings called the extermination of the European Jews, and he was not long in suspecting that here was surely a person who had played an important role in the affair. From then on he cultivated his friendship. At the time he had not yet set up the import-export business which is today his main

source of income. Promoting himself in his capacity as a former S.S. war correspondent in the theatre of operations, he had succeeded in making a connection with *Life* magazine through a relation. From time to time he was given a few lines of copy in *Life*, particularly on Argentine political matters, because he had been clever enough to make fairly close connections with Peron's entourage.

"Some day," Ricardo Klement often said, "I will write my memoirs."

But he had to earn a living and he had not yet got around to writing his memoirs.

"What a shame," Sassen said, "because you seem to be very well informed."

And thus he flattered him.

The talks took place in a little book store in Buenos Aires owned by a former German schoolmaster in Argentina. This man was not a former S.S. man nor a refugee. But he published a German paper with nationalist leanings called *der Weg*, which all the German exiles read with great interest because, in their eyes, it was most objective and stated all the conclusions about the war at which they themselves had arrived. The talks usually ended in the nearest cafe with a drink for which Ricardo Klement had quite an inclination. To get at the secret of his personality, from which he expected to derive a journalistic benefit, Sassen exploited this liking as best he could. And one evening, having drunk a little more than he was accustomed to, as Sassen was going into raptures about the extraordinary exactness of his information, Ricardo Klement let drop the words, "Of course, I am Eichmann himself."

It was a windfall for Sassen. From then on he kept at him about writing his memoirs, but the other never had the time. Then he made the great play:

"I am going to help you. If you want to, instead of dragging these talks on forever in a public place, which will be lost for everyone, we will go somewhere else to drink and we will talk with a microphone. Then after each conversation I will write out what we have said. I will show it to you and you can make any corrections you think advisable. After that I will make a good copy."

"Yes," answered Eichmann, "but on one condition *sine qua non*. That is that everything which I have gone over and corrected shall not be published until after my death, and the royalties, less the sum for your trouble, are to go to my wife and children."

For greater security a contract on these lines was signed between the two men. Eichmann entrusted it to his best friend — that very bookshop keeper — whom he made his testamentary executor and the true owner of the copyright. He charged him with dividing up the royalties in conformity with the stipulations of the contract.

This took place at the end of 1955. The conversations before the

microphone lasted for about two years. Put down on paper, they amount to almost two thousand German size typewritten sheets. Before editing, Sassen gave them to Eichmann who covered them with numerous corrections. He wrote over the version that Sassen gave him as the definitive one and even thought that, having gone over it, it was full of imperfections. He considered that it still contained errors, that he had to verify everything and that he needed lots of time because he had to think over events which he suddenly saw were much more indistinct in his memory than he had thought.

"Besides," he thought aloud, "from now until my death we have lots of time . . ."

So Sassen's work was put aside with Eichmann promising to get on with the verification and to incorporate the necessary corrections as his memory on the past became more exact.

Eichmann was mistaken. He had hardly taken this decision when he was arrested. Meanwhile, Sassen had twice gone to *Life* to offer sensational revelations on Eichmann's activities. Each time he was told that nothing sensational could be revealed on the subject for the simple reason that it was impossible to centre the attention of the public on a person who had been merely talked about during the Nuremberg Trial but about whom nothing had since been heard. He was surely, therefore, forgotten . . .

A great many stories were told about the way in which Eichmann had been found and arrested. *The long hunt* by Mosche Pearlmann gives the credit to Simon Wiesenthal, that incomparable gift to the Israeli Secret Service, with his talent for nosing things out. In my opinion things were really much simpler, but I will refrain from advancing any theory.

The fact remains that the incident which allowed *Life* to speak of Eichmann, with every chance of grabbing public attention, had happened; that it was able to print in 15,000 words what it described to its readers as a résumé of the essentials of the Sassen-Eichmann talks, the text of which was given to *Life* by Sassen; and that through Sassen a contract had been drawn up with the beneficiaries and that Sassen had been paid by *Life* for this work.

For anyone who would like to inspect it, I have a photocopy of the original of these conversations, gone over and corrected by Eichmann. To be sure, Eichmann was not a historian. His knowledge of the events he refers to was very limited, his memory faulty etc., and his talks contain many errors of fact, their dates etc. But I defy anyone at all to find therein justification for most of the monstrous things to be read in *Life* (November 28th and December 5th, 1960).

How does it happen that I am at one and the same time able to give such precise information and yet be in possession of a photocopy of the document which formed the basis of the *Life* articles, which I must here add was produced for the prosecution before the tribunal in judgement on Eichmann? It is very simple. The

Eichmann family, familiar with my works, thought that Dr. Servatius, defence counsel for Eichmann, might need a historian's advice and begged him to get in touch with me, just in case; and Dr. Servatius had already thought of that himself. All things considered, Dr. Servatius — on whom rested the responsibility for Eichmann's life and who had had the experience of Nuremberg — thought that a juridical rather than a historical plea was called for. That was one way of looking at it. But it was, above all, a matter of conscience in which I had no right to interfere. The one thing that strikes me as certain, *after the event*, is that no matter what plea the defence made — juridical or historical or both — Eichmann was in any case to be condemned to death. But who would have dared to burden his conscience with such an assumption *before the event*, even if he thought it, as I did? That was my case. I could see only one advantage to a historical plea and that was the impossibility of being able to terminate the trial without a delay of, I estimated, at least fifteen good years.

In short it was just circumstantial that I had occasion to meet Sassen, against whom I was unshakeably opposed — if only because the report of his talks with Eichmann was riddled with errors. I had several talks with him, some of which were very long. Anything that concerns him in what I say is but a translation of what he told me himself.

That is how the photocopy of the original of the conversations came into my hands, and I have been able to study them at leisure. In the same way I have had in my hands the originals of the minutes of the interrogations of Eichmann during the preparations of his trial, whilst he was a prisoner. I am therefore in a position to state that he contradicted what he stated before Sassen's microphone on an infinity of points.

Example: On April 18th, 1961, a witness came forward to the bar at the Jerusalem Tribunal to declare that he had seen "the factory (meaning gas chambers) working at full tilt in July 1942" and Eichmann visibly interested and very satisfied with a report of the results. Eichmann denied this but he had no evidence to support him. It would have sufficed him to say that in July 1942, in the official version, there was no gas chamber* at Auschwitz since they were only ordered, as the official documents reveal, on August 8th and installed on February 20th of 1943. Perhaps Eichmann did not know this and, if once he had known, he had surely forgotten. It was probably the same with his counsel. So, the false witness was believed . . .

Examples of this kind are without number throughout this trial which lasted almost a year.

As for Sassen and the document which he turned over to *Life*, here is a letter written by Eichmann to his family on February 22nd, 1961, which tells what he thought about it and also about his whole experience:

*Fumigation Chambers

Dear Robert!

First of all, I appreciate it very much that you managed to get a look at the case Dr. Servatius is preparing for me. I would also like to tell you about some of the fundamental principles which need to be raised, apart from some details which I will mention at the beginning. For I know that you, as my brothers and sisters, will be interested in this, especially as already whole libraries have been occupied with my career and, who knows, will continue to be occupied.

I begin with the current lawsuits which are being brought against me. The contents of these suits are so prodigious that even my anger would be useless. But I must on no account surrender in consideration of the numerous calumnies and defamations and give up the cause without a fight. It is obvious that 15 years of propaganda is against me, which grew like an avalanche and keeps growing and has been leading the minds here to allegations which are quite incomprehensible.

You will hear from Dr. Servatius that more than 1,400 documents are here under consideration (I examined nearly 300 of them during the investigation, the rest was transferred to my defence counsel after the investigation). Among the approximately 300 documents alone which were submitted to me appear approximately 240 different names.

Well, the investigation has caused the collapse of the great sensational build-up that certain groups of journalists had set up out of pure greed for profit; and I hope — naturally enough — that the coming trial will reduce my actual position back to the real level which I held at that time, i.e. recipient of orders; a bureaucratic occupation, not the slightest trace of killing and atrocity.

To be sure, all this has happened, one cannot deny it. But I was not in charge of such things and I kept my hands clean in this matter. This also includes the officers, non-commissioned officers and men, who were under my command at that time. Should the one or the other have overstepped their orders it was not with my authority in this respect.

Now to look at Sassen. He is either secretive or stupid. I do not know myself where I am. I am only asking myself, how can someone contrary to all arrangements commit such a breach of confidence and publish in rough the events which happened in the distant past and throw them to the international press as a kind of raw material which is undoubtedly full of mistakes and incorrectnesses that need to be put right and then say: "There you have the stuff, do with it whatever you like to do. How many dollars do I get?" Contrary to the arrangement which had been made he published the matter to the public without having given me the chance of correcting all the mistakes.

In this respect I have to praise the mode of procedure of the Israeli police; after the tape recording interrogation I had the possibility of hearing it all again and reading the transcript at the same time which had been made in the meantime and could make eventual corrections without being influenced by anyone. Although the transcripts had been made by honest police officers — and there were more than 3,500 typed pages altogether — there were even so quite a large number of hearing mistakes, which partly distorted the sense in the first transcription. Well, thanks to the procedure of the Israeli police all these mistakes could be eliminated by me. Sassen has given me no chance to do the same. I have no guarantee that the person who then copied it, heard and transcribed it correctly and I have no chance to control what certain interested parties might have added to it. At that time I got part of it for the first correction — and I corrected it superficially — but as the transcription was so deficient that there would have been no time left for other work besides the correction, I gave the whole stuff back to Sassen and told him that this matter had to be discussed more thoroughly because of the amount of mistakes. Some parts of the transcriptions were never submitted to me. What is more, this transcription having been controlled by me never should have been published; due to our arrangement and written contract it should

represent only the raw material which Sassen could use in order to make a book out of it which could be published. And even there I put in one more security codicil by ordering a written statement that no page of this eventual manuscript should come to be printed without my having sort of legalised and released every page by my full signature. And even after that I should have got the proofs as a last control whereby I agreed here to the fact that after the proofs had been finished no large changes in principle should be allowed.

But such procedures which Sassen has followed are unworthy of an honest journalist and I think this is typical of the fellow. How does this man dare to publish this article under the title: "Adolf Eichmann tells his own story — I conveyed them to the butcher — by Adolf Eichmann"? Sassen is lucky that I am in close confinement. It is a consolation for me to know that even a reader who is only partially attentive to the reading can draw conclusions from the title to the authenticity of the contents of the article. But unfortunately such an article will be read by dull-heads of all kinds, of whom one cannot expect objective, intelligent study.

Now I would like to ask a favour of you. You are a lawyer, I am sure you will discuss this matter with my defence; keep a close eye on Sassen and only with the consent of my defence should he be allowed to publish anything at all. For, all he is going to publish forces him to fall back upon the treasure of the tape recordings of that time and there are solid arrangements which he has to observe.

Surely, there are legal restraints and possibilities? Besides this, I leave it completely to my defence to prepare the next steps which he considers necessary as far as my cause is concerned.

Dear Robert, I do not know what will come out of this trial; in respect to my person I must tell you that I am only of secondary importance. With the help of my defence I will naturally take pains to bring out the truth about the 15 years' calumnies and imputations, up to the very last days, which have prejudiced public opinion around the world against me to a degree which is not to be outdone. Here, too, I do not think of surrender. As far as only my own ego is concerned, the danger of resignation is great in respect to my almost overstrained fatalism. But I must not leave the matter as it is; not when I think about my children and you as my brothers and sisters and, last but not least, the memory of our dead father.

Dear brothers and sisters, I wish you each and all happy Easter, I wish you health and send you my kindest regards.

Your Adolf.

I have asked lawyer Wechtenbruch to certify the correctness of this statement by signature, because I, separated by a glass wall, cannot sign it personally.

Given in a prison of the State of Israel on the 22nd February, 1961.

5. The Last Word

If the reader has been harbouring any doubt about the political significance of the trial, as described above, and the anti-Semitism it bred on the pretext of combatting it, it will suffice to say that many good people thought the same way. Over the French radio itself, the first press review of the reports of the first day of the trial gave the impression that in the minds of all the journalists there, without exception, the dominant idea was that the performance was not a matter of justice but of pure and simple vengeance, and that in any case, it was politically a mistake.

Eight days later, already sure of what to expect from the hearings, all the great newspapers of the world recalled the best

legal reporters they had sent to Jerusalem, in order to despatch them to more important trials.

On April 10th, under the title "This trial is a mistake," and over M. Alain Guinay's signature, *France-Soir* did not hesitate to say:

"There are a certain number of people who think that this whole trial has been a mistake. That far from eradicating anti-Semitism in the world it will only fan the flames, that far from instructing Israeli youth in the tragic fate of their elders, it will keep that aggressive youth from feeling any solidarity with those six millions who for the most part died without defending themselves.

"They are also afraid that it will have a detrimental effect on Israeli-British, perhaps even United States-Israeli relations, by revealing, as Ben Gurion has just done, that neither London nor Washington did a thing to save millions of people whom they could have saved."

We have seen how Ben Gurion failed in his attempt to involve Britain and the United States in his attempt to blackmail Germany.

With the trial over and Eichmann condemned, "the uneasiness" which everyone talked about remains. The anti-Semitic campaigns feared by *France-Soir* are taking steps and grow.

A boomerang? Perhaps.

Perhaps Tel-Aviv needs a little wave of anti-Semitism from time to time to realise its objectives, if only to bring to Israel those millions of Jews who persist in preferring the comforts of western life to the rigours of Kibbutzim.

In any case, if the stirring of anti-Semitic feeling should trouble Israel and international Zionism, it is not the reasons adduced for the sentence that condemned Eichmann to death which will prevent them from assuming greater proportion, as they have been revived for us by M. Poliakov (*Le Procès de Jerusalem*, Paris, 1963) (*The Jersualem Trial*). Assuredly not.

A strange fellow this M. Poliakov. An Israelite, born at St. Petersburg (Leningrad) in 1910, M. Léon Poliakov is directly descended from that generation of Russians chased from their homes by a Revolution which made Russia what we know it to be today and who, since 1920, have given Paris so many picturesque — and sometimes so encumbering — taxi drivers; people of all social levels. (But, to hear them talk, all of noble extraction!) Having arrived with the very first wave of refugees at the age of six, therefore too young to learn to drive, his parents sent him to a primary school in the 10th Arrondissement. He developed a taste for studies, went to the Lycée, then for several years to law school. His biographers tell us that this led him, not to the bar, as it does so many others, but . . . into journalism! And so one does not meet this 52-year-old man today at the wheel of a taxi in the streets of Paris, but at the Centre for Contemporary Jewish Documentation, with the title of historian. To him we owe already: *Le III^e Reich et les Juifs, Histoire de l'antisémitisme* (*The*

Third Reich and the Jews, History of Anti-Semitism), and the celebrated *Bréviaire de la Haine* (*Breviary of Hatred*). This *Procès de Jérusalem* (*Jerusalem Trial*) is the fourth feather in his historian's cap.

He is very much at ease in this role, and Mr. Ben Gurion, President of the Council of State of Israel, has overlooked nothing in making his task easier. Indeed, we know that on December 21st, 1962, Mr. Ben Gurion decided that the memoirs (2,700 pages) which Eichmann wrote during his period of detention in Israel between the trial which condemned him to death and his execution, were to be turned over to the State Archives of Israel instead of being given to his widow which, if not the rule, is at least customary usage in all the courts of the free world. This decision ensures that for a long time to come all the Poliakovs of the world will be able to say whatever comes into their heads about the Eichmann affair, without risk of being contradicted by the contrary version of the historical facts of the matter. It also ensures that the judgement itself can never be questioned on grounds of any documents other than those very carefully selected ones used by the prosecution. The real historians who followed the trial will, of course, some day be given consideration, but thanks to this procedure, only by a posterity whose grasp of history becomes less firm as time goes on. Meanwhile, to public opinion, the judgement of the Jerusalem Tribunal has all the force of revealed truth.

And what truth!

M. Poliakov does not, in the first place, give us the whole text of the judgement. Of the 243 arguments in evidence which it contains, more than half do not figure in his book. He does not tell us why this is so, but one can be sure that they are the most questionable ones. As for those which he does give, one or two examples will be enough to give the reader an idea of their worth.

First example: the one based on the function of the Einsatzgruppen (units protecting the rear of the German armies as they advanced into Russia). These units were created, the Nuremberg court said, in the middle of May 1941 in anticipation of the Russian campaign. In the *Bréviaire de la Haine*, M. Poliakov proves to us with brilliance, with documents and testimonies to support him, that these units could only have been created at that date. Today, no less brilliantly and with no fewer documents and testimonies to support him, he proves to us that they already existed on September 12th, 1939. M. Chaim Wiezmann, President of the Jewish Agency in 1939, who was then living in London and whose personal papers are collected at Rehowoth (Israel), decided it.* The Jerusalem Tribunal followed suit, and M. Poliakov too, of

* In his memoirs, *Le Chef du contre-espionage nazi parle* (*The head of Nazi counter-espionage speaks*), Paris, March 1957, Walter Schellenberg, who drafted the agreement between the O.K.W. and the S.D. on the subject of the creation of Einsatzgruppen, described in detail the scene when it was signed by Heydrich, head of the S.D., and the administrating officer Wagner, who had been designated by the O.K.W. for this formality,

course. If, some day, Israel decides that Einsatzgruppen were created by Ramses II and that Hitler only returned to a very old practice, M. Poliakov will be ready to prove that it could not be otherwise, with documents and testimonies to support him; that goes without saying. Since 1945, the industry of document and testimony production has been exceedingly prosperous, and Israel challenges Russia for first place in the world.

Is another example needed? Take the document called "Gerstein" which has been referred to. In the *Bréviaire de la Haine*, M. Poliakov gave us a version which he said was authentic and, moreover, he had corrected it. The Tribunal of Jerusalem brought forth yet another version which is different from the two already known. The latter was written in a kind of pidgin language and does not agree in any respect with the other two, doubtless so that it could not be said that it had been rejected at Nuremberg as had been the case with the first one. The reader is strongly urged to read the two principle versions of this document, in the last chapter of *The Drama of the European Jews.* There he will see of what prowess a Frenchman born in Russia is capable, who was driven to become a historian because he failed to become a taxi driver.

There is no end to the list of documents of this kind on which the Jerusalem Tribunal based its conviction, and M. Poliakov corrects his own contentions by first correcting the documents, whose origin is, furthermore, more than dubious. The court itself is not free from contradictions of this kind. Take exhibit No. 63, for example, which declares Eichmann guilty of having forced the German Jews to emigrate, and No. 155, of having prevented them from emigrating, in terms as scathing and disapproving in one as in the other. The cynical and cruel giants who, according to the philosophy professors of my generation, only gave one the choice between dying on the altar of Truth or the altar of Lies, with sincerity in the choice the only chance to escape the trial, were no more cynical and cruel than the Judges of Jerusalem.

We will have no more to say about this book and the judgement after this, which will be our conclusion:

1) Exhibit No. 79 says, among other things, " . . . *We will describe the activities against the Jews within the Reich and the European countries under German influence, exclusive of what took place in eastern Europe. In general, no extermination activity took place in those countries or in Germany . . .*"

After the Declaration of August 19th, 1960, which was taken up in another connection by the Institut für Zeitgeschichte at

with the date "end of April 1941," (pp. 229—230). But exhibit No. 69 of the Jerusalem trial makes mention of misdeeds of the Einsatzgruppen in Poland in 1939, supported by the report of a "conference of heads of bureaux and Einsatzgruppen" presided over by Heydrich on September 27th, 1939 (attached Document T. 164). It is true that argument No. 120 speaks of "massacres by Einsatzgruppen, created, it is said, on the eve of Hitler's offensive against Russia." And if I should ask who the rascal is that manufactured the false document, or the idiot who edited the sentence, what will be the answer?

Munich, here is one that authenticates in a masterly manner the thesis which I have maintained for so long on gas chambers in German concentration camps. Carelessness, no doubt.

2) Exhibit No. 161, after stating that the number of victims cannot be designated except by the term "*millions*", which is that of the indictment, nevertheless declares that "*it is beyond doubt that the number of victims was about 6 million.*"

By counting the Jews who died in 1941, in No. 122; in the camps set up in March 1942, in No. 141; who were taken to camps in convoys of 3,000, No. 112; when No. 127 says 2,000, and No. 154 only 1,000, etc. . . . doubtless one could arrive at even more surprising results.

Eichmann's Last Speech

In matters of justice, it is a rule: the last word always belongs to the accused. Here then is what Eichmann, condemned to death by hanging, declared to the Judges of Jerusalem on December 13th, 1961:

"I have heard the severe sentence of the Court. My hope for justice has been disappointed. I cannot accept this decision.

I know that punishment is demanded for the crimes committed against the Jews. The declarations made by the witnesses here in this Court have astounded me, as I was similarly stupified to see myself considered responsible for the atrocities.

I was unfortunate enough to have been mixed up in these horrors. But, these misdeeds were not of my own doing. It was not my desire to kill people. These mass murders are solely the consequence of the Führer's policy.

I tried to give up my job, to leave for the front so that I could fight honourably, but I was kept at obscure tasks.

Let me emphasise once again:

My fault lies in my obedience, my submission to my task and to the requirements of my war office to which I was committed under oath. Since the start of the war, the law of warfare alone prevailed. This submission was not easy, and anyone who has commanded and obeyed knows what can be required of a man.

I pursued the Jews with neither enthusiasm nor pleasure. The government did that. As for the prosecution, only a government could make that decision, never I.

I accuse those governing of having abused my obedience. At that time, obedience was required, just as it was later from the subalterns.

Obedience was elevated to a virtue. On this subject, may I ask you to consider that I obeyed and not whom I obeyed. I repeat: the authorities, of which I was not a part, gave the orders; they imposed atrocious tasks upon me which, on their orders, were to result in victims.

But now, the subalterns are also victims. I am one of these victims. This cannot be lost sight of. It is said that I could have refused to obey and that I should have done so. This is a consideration after the fact. Under the circumstances of the moment, this was impossible. It could not have been any different for anyone.

I know from experience that the legend must be kept alive, as it was done after the war, that it was possible to resist orders.

A few men were able to go into hiding, but I was not among those who thought that this was conceivable.

It is a grave mistake to think that I belonged to the fanatic persecutors of the Jews.

Since the end of the war, it has outraged me to note that all the responsibility of my superiors and of the others has fallen on my shoulders. I have to all appearances done nothing which would allow me to be accused of fanaticism, and the respsibility for this crime of blood does not fall to me. This is where the witnesses have gone against the truth. The declarations and documents presented to the Court as a whole at first sight seem convincing, but are untrue.

I shall try, in the next few minutes, to clarify these errors. No one came to me warning me of my behaviour. Not even the witness Probst Gruber could support the opposite. He visited me and wanted only to obtain certain alleviations, without criticising my professional activity itself. He confirmed here, in the Court, that I did not refuse him, but that I explained to him that I would have to have the opinion of my superiors since I could not make the decision myself.

On this matter, we have Ministry Director Loesener who reported on Jewish questions to the Minsitry of the Interior (Judenreferent). He is dead. In a recently published memoir, he indicates that he was aware of the atrocities and that he informed his superiors of them. It must, therefore, be admitted that everyone at the Ministry of the Interior knew of these methods. But no one stood in opposition to my superiors. Ministry Director Loesener closeted himself in silent opposition and served his Führer as a wise Judge in the Reich's Legal Administration. Herein appears in its true light the civic courage of an important personality.

In a report written in 1950, Loesener gave an appreciation of myself by which I would have been one of the main perpetrators of Jewish persecution. But nothing is found in these violent sentiments which would support these suppositions, nor any basis for these allegations. This also holds true for the other witnesses.

The Judge asked me if I wished to plead guilty, as had Hoess, the Auschwitz commander and the Governor General of Poland, Frank. Both had the same reason for acting as they did: Frank, responsible for the orders he had given, was afraid of being accused by his subordinates, while Hoess was the one who had actually carried out the mass executions.

My position is different.

I never had either the capability or the responsibility of someone who gave orders. I never had to deal with murder, as had Hoess. If I had received the order to perform these massacres, I would not have taken refuge behind false pretexts; I explained this during my interrogation: if I had found myself faced with an order which I could not carry out, I would have put a bullet through my head in order to resolve the conflict between my conscience and my duty.

The Court feels that my present attitude is dictated by the requirements of my case in this trial. There is a group of points which would seem to confirm this. The apparent contradictions result from the fact that I was not able to recall precisely all the details at the very beginning of the police interrogation. I lived through too many things that year.

I did not refuse to reply: the preliminary report of 3,500 pages shows this. It was my duty to assist in the explanation of the facts. Mistakes or errors occurred, but I have to rectify them. I cannot be reproached for such errors when a 16 to 20 year period is in question, and my spirit of cooperation must not be taken as trickery and lying.

My rule for living, which I was taught very early, was: the will and ambition to attain an ethic of honour.

After a certain period, Reasons of State prevented me from following this path. I had to choose outside this ethic and commit myself to another of the multiple paths of morality. I had to bend myself to the requirements of the reversal of all values by virtue of Reasons of State.

I undertook my own self-criticism, I accused my conscience, an area which is only the province of my Inner Self. Considering myself legally not guilty, I neglected totally to take into account this point of view in this examination.

I would now like to ask the Jewish people for their forgiveness, to confess the shame which overcomes me at the idea of the injustices committed with regard to them and the deeds undertaken against them. Nevertheless the basis for this judgement appears to me false. I am not the barbarian I have been made to seem. I am the victim of an argumentation: I was seized in Buenos Aires, kept tied up on a bed for a full week, then given an injection in my arm, and taken to the Buenos Aires airport; from there I left Argentina by plane. It is completely obvious taking only this into account, that I was considered responsible for everything.

It all rests on the fact that a few socialist nations today, and others, spread calumnies about me. They wanted to place their guilt on me or humiliate me for reasons which escape me. A certain element of the press has been, regarding these incredible and false assertions, making suggestive propaganda for fifteen years.

This is the basis for this unjust condemnation.

This is the reason for my presence here.

I thank my defence lawyer who made himself responsible for my rights.

It is my deep conviction that I am paying for what others have done.

I must accept what fate has placed in store for me."

Obviously there is nothing remarkable about this statement of innocence and one risks little in saying that it probably will not go down in posterity.

Condemned to death in the last century by mistake, the innocent Lesurques declared: "I appeal to posterity." Not everyone can be Lesurques.

Furthermore, Eichmann was only a little Lieutenant-Colonel, of little culture, just like thousands of others, and perhaps tens of thousands in the German army, just as there are hundreds of thousands in the armies of the world.

I think it will cause one to smile today to learn that one man, responsible for all that can be charged to National Socialism in matters of crimes against humanity, was a simple Lieutenant-Colonel. Nevertheless it is so. In this direction, Mr. W. Kempner, former police commissioner for Prussia and American prosecutor at one of the Nuremberg trials, went so far as to call his book on the subject not *Hitler and Accomplices*, but *Eichmann and Accomplices*, which tends to show that it was not Eichmann who was an accomplice of Hitler, but the other way around!

What is tragic is that if one compares his explanation, or justification, of his attitude with that given by Prof. Balachowsky of the Pasteur Institute, a cultivated man (or at least he has no excuse for not being, covered with honours and all), one is obliged to agree that . . . it is not so bad after all. Between the Reasons of State to which the troubled conscience of the more or less untutored Lieutenant-Colonel referred itself, and the single anxiety to save his skin invoked by the Professor with the clear conscience, men of good sense — and even those who, like me, put Reason of Man before Reason of State — will not hesitate in their choice.

The reader will not be asked to compare this declaration, nor the charges formally made by the Israeli prosecutor, nor the legal and moral justifications of the decision rendered by the Tribunal; the contrast would be even more disheartening.

Chapter VIII

THE AUSCHWITZ TRIAL

On December 17th, 1960, in the region of Hamburg where he had lived under a false name for more than fifteen years, the German police arrested a man whom they quickly discovered was none other than Obersturmbannführer Richard Baer, who had been, from the 1st of December 1943 until the 25th of February 1945 — the date of his evacuation as the Russian troops approached — the second and last commandant of Auschwitz concentration camp. We know that from the 14th of June 1940, when it was opened, until the 1st of December 1943, the first commandant of that camp was Obersturmbannführer Rudolf Hoess,* universally known today through the subversive publicity campaign (as vast as it is unscrupulous) created around the publication of his memoirs in five languages, under the title *The Commandant of Auschwitz speaks* (published in French by Julliard, 1959).

From April to May 1946, Hoess docilely authenticated before the Nuremberg Tribunal (although with innumerable contradictions) some of the most improbable accusations brought against Germany concerning war crimes and crimes against humanity. Despite this, Rudolf Hoess was condemned to death on the 2nd of April 1947 by the High Polish Tribunal for having, the judgement states, "participated in the assassination by asphyxiation in gas chambers, incineration of living persons, shooting, fatal injections, medical experiments, starvation, etc. of 2,812,000 persons, most of them Jews."

" . . . the next day after, April 4th, he was hanged there at Auschwitz."

Then they examined his successor on whose conscience weighed the charge of having done his spell in that horrible extermination and who had brought the total number of victims to an indeterminate figure, but generally estimated in concentration camp literature to be about 4 million Jews. Having finally been found, he was at once put in the prison at Frankfurt and his preliminary investigation was begun.

This investigation was not easy: it seems that from the very first the ex-Obersturmbannführer declared that there had never been any gas chamber at Auschwitz while he was in command, that he had only heard mention of it — an echo of a rumour from the Nuremberg Trials, where he had hidden himself — and that he had gone into hiding not because he felt any guilt, but so as not

* Actually, there was an interval from December 1st, 1943 until May 1st, 1944, when Hoess' adjutant Liebehaenschel was in command. The latter was hanged at Auschwitz at the same time as Hoess. (Rudolf Hoess is not to be confused with Rudolf Hess, still in Spandau prison.)

to fall into the hands of some misguided lover of justice. Fritz Bauer, the prosecuting attorney in charge of the investigation, brought up the statements of Rudolf Hoess at Nuremberg and in his memoirs; Baer replied that he did not know what had taken place during the command of Hoess, that he could only answer for what had happened when he was in command, and he mentioned witnesses. One after another the prosecuting attorney had them charged with complicity and imprisoned. Today there are 23 of them who have been appearing over and over again, since December 20th, 1963, before the Court of Assizes (Schwergericht) at Frankfurt.

But right to the end Baer stuck to his position and they were never able to budge him from it. Nor have they ever succeeded in bringing the slightest proof against him. One serious problem followed. Was prosecuting attorney Bauer to be obliged to agree that the "434,351 Hungarian Jews, deported to Auschwitz in 147 trains, from the 16th of May to the 8th of July 1944" — as exhibit 112 of the Jerusalem trial attests — had not been exterminated by gas? He was not to be budged from his charge either. However, the trial, scheduled for the autumn of 1961, was first postponed to the spring of 1962, a second time to the autumn of 1962, a third time to the spring of 1963, and a fourth time to the spring of 1964. Suddenly, on June 17th 1963, prosecuting attorney Bauer announced that, although nothing could have led them to suspect it possible (a few days previously, Baer's wife, who had visited him in prison, had found him quite healthy and full of confidence that he would soon be released on "no grounds"), Baer had died of heart failure; less than a week later it was learned from the same source that the Auschwitz trial could be moved up from the spring of 1964 to the beginning of the winter of 1963.

So, since the 20th of December, 1963, this bewildering trial has been going on with no end in sight. With the principal accused person dead, the gain for the prosecution is that the 250 prosecution witnesses (escapees from Auschwitz and most of them former members of the 'self-government' of the camp) can come before the bar and say just about anything without fear of being shown up. What is curious is that during his imprisonment at Frankfurt from the 17th of December 1960 until the 17th of June 1963, Richard Baer was interrogated without interruption during the entire period, and yet not a word of what he said has been brought forth at the Frankfurt trial. Surely nothing could have been more natural on the part of the public prosecutor if he was anxious not to furnish the defence with arguments.

But on the part of the defence?

1. The situation of the Jews after the armistice of 1940

From 1933 to 1939, through diplomatic channels Germany had vainly tried to obtain from Britain permission for the transfer of

all the Jews in Germany to Palestine. But, on the claim which the international Zionist movement has been making since 1895, through the voice and pen of Theodor Herzl, which Hitler thought a little adjustment of the Balfour Declaration of November 2nd, 1917 could bring about, the British had always categorically refused. It was incompatible with her Middle-East policy, over which the Versailles Treaty had given her the upper hand; it was contrary to the national aspirations of the Arabs; then again, since the date of the birth of Israel as a State — May 16th, 1948 — there has been daily proof that it was not a reasonable proposition.

From the collapse of the French military force on July 10th, 1940, and the armistice, the leaders of the Third Reich nourished the hope of another solution to the Jewish problem. The government of Marshal Pétain reflected an opinion current in France since 1937, complaining that the under-population of Madagascar suffered to the point that its economic progress was irreparably threatened. Why should they not, then, allow all the Jews in the area occupied by German troops at that time to be transported there? So, from July 10th Germany sounded Vichy out about this.

The story of these probings is told in detail in a document dated September 24th, 1942, under the signature of the Secretary of State for Foreign Affairs of the Third Reich, Martin Luther, which was produced at the Nuremberg Trial on the 2nd of April, 1946, number P.S. 3688. There we read that Pierre-Etienne Flandin, who had succeeded Pierre Laval to the Ministry of Foreign Affairs after December 13th, 1940, refused to hear anything about it. Knowing Hitler's views, Otto Abetz informed him of this immediately after the 13th, but Hitler was not disturbed; his plan was to get Marshal Pétain to get rid of Flandin, known for his "Anglophilism," and Hitler had no doubt that he would succeed. He made no changes to his policy of the moment with regard to the European Jews because he expected the Vichy government, sooner or later, to put Madagascar at their disposal.

When Flandin did leave on the 10th of February, 1941, such soundings were resumed. The area occupied by German troops then included, besides Germany and Austria reconsituted into the Greater Reich (Gross Deutschland) the following:

— to the East, Bohemia-Moravia, set up as a Protectorate, by dismembering Czechoslovakia, from which Slovakia had been taken to form an independent state under German control, and a good half of Poland;

— to the West, Denmark, Holland, Belgium, Luxembourg and France, up to the demarcation line which cut her in two.

In all, how many Jews?

None, to speak of, in Bohemia-Moravia; they had almost all fled into Slovakia whence, not feeling safe because of being within reach of National Socialism, they fled gradually toward Palestine by the route of the Danube, via non-occupied Hungary, Rumania and Bulgaria, which were not hostile to them. This took place

slowly because there was the problem of currency, which in turn involved the problem of passports. In April 1939, Britain had decided to authorise free entry into Palestine only of those Jews who had £1,000 sterling (about 1,500,000 old francs) in their pockets, and to limit to 1,500 persons per year all those who did not possess such a sum. Further, Germany was quite willing to let go all the Jews in the area occupied by her or under her control, but was unalterably opposed to their taking with them the required £1,000. Given this, although it was easy for any Jew to get £1,000 (the Jewish communities were rich), it was much harder to get a passport. To achieve this it was necessary to get to Budapest where, as Joël Brand tells us in his book *One Million Jews for Ten Thousand Trucks*, the Committee for the Safety of Jews mass-produced passports and distributed them freely. If one was willing to arrive in Hungary naked as a worm, there was no problem; the Germans closed their eyes on the Polish and Slovak-Hungarian frontiers. But if one wanted to get there with £1,000, or the equivalent, which was legitimately and generally the case, the problem arose of having to cross the frontier secretly, which involved long preparations and slowed the migration down.

After surmounting this difficulty, another presented itself: on actually going into Palestine there was the problem of the false passport obtained in Budapest. If the British discovered the fraud the migrant was turned back even though in possession of the £1,000, and there was nothing left but to go the way of Central Asia, to reach Birobidjan, the autononous Jewish state within the framework of the Soviet Union. The region of Auschwitz was under discussion at the Wannsee Conference, and Eichmann, when the Madagascar idea fell through, proposed to create a Jewish state there along the lines laid down by Herzl. With Himmler's assent, he began to gather together several tens of thousands of Jews, from the spring of 1941 on. This project, called 'nisko', was vehemently held against him in exhibit 72 at the Jerusalem trial.

Preliminary camps were set up, beginning with Auschwitz, and preparatory installations to receive millions . . . Crematory ovens were built, showers etc., which were called gas chambers. This is stretching things a bit far, especially in view of the admission by Kubovy (Director of the Centre for Contemporary Jewish Documentation at Tel Aviv) that no order for the extermination of the Jews was ever given by the authorities of the Third Reich.

2. The Number of Victims

A total, we "*know*," of six million. At least the international Zionist press claims so, and the other press, in which the financiers of the Diaspora have sufficient power to determine its position to suit their theses, does not hinder them. Six million exterminated, in gas chambers, ill treatment, shot or beaten to death when captured by the Einsatzgruppen.

Referring to this point on November 21st, 1945 at Nuremberg, the American prosecutor Jackson was a little more modest: "Of the nine million Jews who were living in Nazi dominated Europe, it is estimated that 60% lost their lives: 5,700,000 Jews are missing from the countries in which they lived before and more than 4,500,000 cannot be accounted for either by the normal death rate, or the rate of immigration into 'other countries'."

How many at Auschwitz?

The most divergent figures — and the most fantastic, too — have been produced by the historians and statisticians of the World Centre for Contemporary Jewish Documentation: "Birkenau," writes one of them named Henri Michel coldly, "was the most international and the most western of the death factories, and its ground is enriched with the ashes of four million bodies."

Almost the sum total, then, of the number of European Jews accounted as missing at Nuremberg by Mr. Jackson!

But, in his memoirs, Hoess gives the following details on the total number of internees in that camp:

From Upper Silesia, or Polish Gov.	250,000
From Germany and Theresienstadt	100,000
From Holland	95,000
From Belgium	20,000
From France	110,000
From Greece	65,000
From Hungary	400,000
From Slovakia	90,000
Total	1,130,000

It is certainly obvious that if there was a total of only 1,130,000 Jews deported to Auschwitz, it was not possible for the Germans to have 'exterminated' *more* than that number. It is doubtless for this reason that, in a brochure published in 1961 in New York, the Institute of Jewish Affairs of the World Jewish Congress says that "900,000 Jews perished in this camp." (*Eichmann Confederates and the Third Hierarchy*, p. 13).

At the Frankfurt Trial on the 17th of February, 1964, Dr. Broszat, Director of the Institut für Zeitgeschichte at Munich, estimated the number of Jews dead at Auschwitz "at about one million." (*Frankfurter Allgemeine Zeitung*, 18th February, 1964).

But the press continues imperturbably to write "four million." (*Figaro litteraire*, April 4th, 1964 under the signature of M. Martin-Chauffier, member of the Institut, and *Figaro*, January 16th, 1965, under that of M. Remy Roure).

3. The Development of the Trial

As far as the Frankfrut Trial is concerned, after a year of proceedings during which almost all the witnesses for the

prosecution have come before the bar, things are just where they were when they started and truth has not made one step forward. There is no question here of reporting the trial session by session, which would be impossible for me to do in any case. Indeed, it is known that in order to prevent me from getting at the sources directly, the German government gave me permission to be present at the hearings but forbade me to go into Germany! When I presented myself at the German frontier with all my papers in order, I was directly turned back to the French frontier. I was, therefore, only able to follow things from a distance. However, thanks to an information service which I succeeded in organising and the important press service to which I subscribed, I had a fairly accurate picture of things. This is what I noted at the end of the fifth week of hearings, on the 16th of January 1964. On 16th of January 1965, that is, after a year of hearings, I have practically nothing to add or modify.

It can easily be seen, I said, that at the rate of two proceedings per week, at the most three, this trial will have a lot of trouble getting under way: at the beginning of the fifth week it certainly is not under way. From what little can be read about it in the papers, the special observers at it are in consternation: from the evening of the first day, it was obvious to them that they would be around for a while with the 250-odd witnesses for the prosecution which they were to hear. The 22 indicted men, on the other hand, posed another problem: on the eve of the first hearing, when they presented themselves to the secretary of the court to obtain the card entitling them to be present at the hearings, they were handed a resumé of the indictment which gave them goose flesh when they read it. Hundreds of children cold-bloodedly assassinated with phenol injections into the heart; girls thrown live into the crematory ovens; bullets in the back of the neck; the see-saw of death, etc. with a backdrop of gas chambers and millions of Jews killed. They were prepared for the sensational; I am sure that on reading all that, Madame Madeleine Jacob — called the Hyena of the Liberation — must have drooled. And then there they were the next day, confronted by 22 people with the comfortable look of ordinary middle class citizens, and they saw right away that it would take much more imagination than they had to be original and sensational in their articles.

This has been going on for a month now; at yesterday's hearing, the 'corner' — because it is a corner and not a bench — of the journalists was considerably thinned out, since many of them gave up trying to find anything interesting in this business. Let us render unto Caesar: after having listened to the interrogations of identity and main issues, among those who remain — a little more than half of the 120 anticipated by the court — who with few exceptions talk of asking their editors to recall them for other assignments, the dominant feeling is that now, twenty years after the war, the problem brought up by this trial should have been

settled long ago by amnesty.

And now for the facts:

Whatever there is that is sensational about the examinations of identity and main issues, it is not provided by the accused but by the President of the Tribunal who directs the hearings and the methods he uses, more than the charges he lists. The 200 children whom a single man (on Christmas Eve 1944) injected with phenol directly to the heart, the girl another threw alive into the crematory, shots from the revolver into the neck, one after the other, etc., it is clear that these are not the crux of the hearing. The main issue which will be the centre of interest is the gas chambers and the six million Jews allegedly killed in them.

This is the way the President stated the matter at the first meeting:

At Birkenau (one of the three camps of the great complex of Auschwitz, which also included Auschwitz 3 km. away and Monowitz 6 km. away) there were gas chambers and, periodically, in the three camps of the complex, a selection was made of thousands of Jews to be sent there to be gassed. Toward the end, in 1944, selections were even made right on the platform where the trains carrying the deportees arrived. Did you order these selections, or participate in them, he asks of each one of the accused.

The question is subtle; he does not ask them if they sent these thousands of Jews to the gas chambers in question or if they participated in the exterminations, but only if they ordered or participated in the selections.

The inevitable answer is yes.

But in each case, as the interrogation continues, it is seen that not one of the accused knew that there were gas chambers at Birkenau nor that the purpose of the selections was to send the Jews there. Now, among them there are two assistants to the two successive heads of the complex. There is even a Polish prisoner, Bednarec, who was a block chief and who participated with zeal, so they seem to divine. One wonders why all the prisoner block chiefs of the camp, who were all in his position — there are thousands all living and with a few exceptions all Jews — are not, like him, on the bench of the accused. The answer: this one is not a Jew. On this bench, if he had not died during preliminary investigation, might have sat one of the two heads of the camp; at the hearing of January 11th it is learned that he, too, had stated that he had never known there were gas chambers at Birkenau. Strange, to say the least . . . And those selections? Their purpose seems to have been to separate those fit for work from those unable to work, the latter to be sent to special camps set up for them. This came out of the interrogation of Robert Mulka (today one of the big men in the export-import business in Hamburg) and of Hoecker, both of them assistants — one to the first commandant of the complex (Hoess, hanged at Auschwitz by the Poles on

April 4th, 1947) and the other of the second (Baer, died during investigation).

As to the psychology of the accused: they gradually decided that it would be to the interest to seek the court's indulgence and thus began to mention having 'heard' of unmentionable goings-on 'inside' camps; to interfere would maybe have cost them their lives, etc. The press could not have asked for better; more important than the accused, the big thing is to accuse the whole of Germany to justify astronomical indemnities . . . Once started on this track the accused are ready to state practically anything, fantastic figures of arrivals etc., that no one, not even the defence, picks up. But the press repeats these nonsensical figures. No individual is to blame, just all of Germany, the government, hence every person. Every journalist was sitting like the French Revolutionary knitters. The prosecutor tried to make Breidweiser confess he had participated in gassing, but at a date when the camp had not even been set up; he was so confused that he obviously knew nothing about anything.

On February 6th, this is what I noted in the hearings that had taken place since January 16th. Are we finally getting at the truth? The case of Breidweiser came up much sooner than anticipated. He had been in the S.S., the only one on whom rests the charge of having actually participated in gas extermination of 850 Soviet prisoners of war.

"Me, sure, I handled Zyklon B, but to disinfect clothing, not to asphyxiate people!"

And he proceeds to describe Zyklon B and how it works. Thus we learn that this famous gas, which until now has been described as "pellets from which gas was freed on contact with air" (this was said by some at Nuremberg), "on contact with steam" (said by others before the same Tribunal), was in reality in the form of a "liquid within a capsule," very volatile.

Since this testimony showed up the false testimony given by all the witnesses for the prosecution in all the trials of this kind which have taken place during the previous twenty years, President Hoffmaier shifted abruptly.

I looked back at my documentation and learn that Zyklon B was an insecticide used in the German army since 1924 and that during the Second World War, it had been used not only in the army, but in all the health programmes of the Third Reich and in all the concentration camps. On January 30th, 1946 at Nuremberg, evidence was admitted against the accused consisting of two invoices for this gas, dated 30th May 1944, one for Auschwitz and the other for Oranienburg. But at Oranienburg there were no gas chambers. (Report of Hearings, Volume 27, p. 740—42).

Question: What did they do with Zyklon B at Oranienburg since they did no asphyxiating there? It seem that one cannot find anywhere irrefutable proof that the government of the Third Reich never thought of using Zyklon B to exterminate the Jews.

Did they exterminate them in this manner at Auschwitz? First, this still has to be proved. And second, if it is proved, the problem of these exterminations will have to be looked at from quite another angle than it has been presented up to now — without the knowledge of the authorities of the Third Reich, as I have already pointed out. At the same time, the role played in these horrors by the 'self government' of the camp will have to be brought up, if all the Breidweisers accused can prove that they were brought to trial for nothing.

Now we can understand why President Hoffmaier did not insist. Moreover this was the second time, the first having occurred during the questioning of the accused Hans Stark, the preceding Friday. The latter, in fact, did tell that he had executed five or six deportees with a bullet in the back of the head. "They arrived," he said, "at the camp under a sentence of death given them by the regularly consituted courts of the Third Reich and I had been assigned to the squad." And that is how it is with all those assigned to firing squads.

Pushed further, the accused Hans Stark had also admitted "having thrown little pellets of Zyklon B into the crematory through holes made in the roof." The same operation described by Breidweiser, who had told us that Zyklon B came in the form of liquid within capsules. Breidweiser was supported by Dilewsky, who had watched from a distance, But, 'in little pellets,' says Stark.

The President could only become more and more embarrassed. But what embarrased him most was Prosecutor Kugler, who sustained the accusation and who was the same age as the accused Hans Stark. In 1943 they were both 17 years old and both were members of the Nazi Party. One had been sent to the S.S. at Auschwitz (Hans Stark), the other (Kugler) to a regiment of Alpine Chasseurs in Italy. The first is today a university professor (agronomy) and indicted. The other a magistrate, and . . . judges, face to face, after having been so long side by side. The latter had the good luck not to have been assigned to a firing squad, at least as far as we know. The next day, he confided to the representative of *France-Soir*: "Happily I never had to take part in one of those operations!" *Indeed* . . .

And happily, too, for Mr. Eugen Gerstenmaier (today President of the Bundestag) and Heinrich Luebke (today President of the Federal Republic), who were also important persons under Hitler and warmly approved his policies. The first was a member of the Nazi Party (on mission in a university during the war). As for the second, his case was much more serious: head of an industrial outfit working on the manufacture of the V1 and V2, using manpower detailed from the half starved deportees of the Peenemunde concentration camp (Baltic). And he has never appeared among the accused at any trial of the Frankfurt kind for participation in the horrors of the Peenemunde concentration camp!

February 20th:

It is over; all the accused have been interrogated, the first phase of the trial is over. The Tribunal relaxed and did not resume until last Monday, the 17th of February, for the good reason that at Frankfurt, as at Nice, the Carnival is sacred.

At the moment — and this will go on until February 24th — specialists are being heard from the Institute of Contemporary History at Munich, that world paragon of anti-Nazi resistance. They have been brought here as experts to authenticate the written testimonies whose authors are dead or are unable to appear — for public reading. It is not without interest to note that these are the very same experts whom I forced to admit on August 19th, 1960 that there had "never been any gas chamber in any concentration camp in the territory of the Grand Reich." And they had, until then, maintained the opposite.

February 27th, the first witness was heard — and the most important witness for the prosecution: Mr. Hermann Langbein, Austrian Israelite, Secretary General of the International Committee of the Survivors of Auschwitz. The *Frankfurter Allgemeine Zeitung* on the 27th of January had published with a trumpet blast an article about him that was, in my view, the sensation of the week.

First by its title: "Capacity of the crematory ovens at Auschwitz — 4756 bodies a day." Precise. But, in 1951, this capacity was set at 20,000 bodies per day, on oath before the courts at that time of a dead Hungarian doctor named Miklos Nyiszli, whose detailed testimony was published in France by *Temps Modernes* (March and April, 1951).

But this article was even more surprising. It said that Mr. Hermann Langbein had been interned for two years at Auschwitz, where he carried on the duties of secretary to S.S. Dr. Wirths, the one directly in charge of gas extermination, and that in that camp there was such an insufficiency of food (1,800 calories a day provided for by the R.S.H.A.) that one could not survive for more than four months unless one 'organised' — in the lingo of the camps 'organise' meant to steal right and left, bread here, margarine there, soup somewhere else, etc. . . .

But Mr. Hermann Langbein survived for two years. Conclusion: he 'organised' food — food taken from the rations of the other prisoners. Not surprising: to be secretary to Dr. Wirths meant that he was part of the 'self-government' of the camp, that group of prisoners who assumed administration and policing — and whose main occupation consisted in helping itself first to the 1,800 calorie rations which arrived every day at the camp, to get 3,000 to 4,000 for themselves, thus condemning the mass of prisoners to exist on 600, 800 or 1,000 calories; in other words, to die of hunger little by little.

I am not the one who is saying all this, it is Mr. Langbein who admits it himself; if he survived for two years in a camp where

one could not live more than four months on the allocated rations, except by stealing food from one's companions in prison, the obvious conclusion is that he was himself among the thieves, that he caused a certain number of his co-prisoners to die of hunger, that he contributed to the horror of the camp and therefore his place was in the dock with the accused, not with the prosecutors.

If one looks at the descriptive list of the 250 witnesses for the prosecution who filed through the court day after day, it is seen that they are all like Mr. Hermann Langbein, and that in that camp where one could not survive more than four months without "stealing" from the rations of one's co-prisoners, they all survived from *two to four years* . . .

To give some idea of the significance of this thievery we must look at the testimony of Dr. Hans Münch, S.S. doctor of Auschwitz. He came after Langbein to affirm that 25% of the camp prisoners (the cadres, he said explicitly) were sufficiently nourished, and that 75% never had enough to eat, so little in fact that at the end of four months they were dying of hunger. And Dr. Hans Münch gave figures: in order to live normally at Auschwitz a prisoner needed, he said, 5,000 calories. So, if 25% got these 5,000 calories for themselves (and they were able to since they administered the camp and distributed the food), that is, three rations apiece, or just about, then the other 75% got about a third of an 1,800 calorie ration, or about 600 calories. The mass of prisoners were in reality condemned to death by the 'self-government.' I am very much afraid that here lie the real figures of the famous 'gas chambers'!

Two of the accused out of 23 partially confessed to what they were accused of, and I must admit that this is remarkable. In 1946, at Nuremberg, they would all have admitted everything. This is proof that we are no longer in 1946 . . . So we must have a look at what these two admitted. It is clear about the first — the accused Hans Stark, today professor of agronomy — who had been assigned to a firing squad to take care of persons condemned to death in the regular courts of the Third Reich. No need to come back to that.

As for the second, non-commissioned officer Klaehr, he admitted that he had killed 200 to 300 Jewish prisoners with injections of phenol. I advise the reader to read carefully a remarkable book by Maurice Garçon *La vie execrable de Guillemette Babin.* In the Middle Ages, accused of sorcery, she admitted having met every night at midnight, in orgiastic witches' revels, incubuses and succubuses, on the promise that if she confessed she would not be burned as a sorcerer. Klaehr was accused of having killed these 200 to 300 Jews by injection into the heart on Christmas Eve of 1942. He denied having done it that night. During the trial two things came out: on Christmas Eve 1942 he was not even at Auschwitz; on the other hand, for one

man to inject 200 to 300 people in one evening was a little too much. Ask the first medical student you come across. So he admitted having reached this figure in two months, at the rate of ten or fifteen at a time. This is much more plausible. But is it any nearer the truth? That is another question.

What is curious is that during two months of hearings, the problem of gas chambers *per se* has not been brought up. Every time the occasion arises, President Hoffmaier (former S.S. Nazi in Italy) limits the answers of the accused to the problem of 'selections' within the camp or on the arrival platform.

Each time the scenario is the same; I never knew there were gas chambers at Auschwitz, says the accused. And the President says, all the same, men were selected out, therefore . . . The accused remains silent, since it is true that selections were made and he can only assent.

It seems that these operations should be explained. The purpose we know; to separate out the sick, unable to work, from the capable. What happened to the former? The witnesses for the prosecution we have been hearing since February 27th invariably answer that they were sent to the gas chambers. What is curious is that they have all seen them, loaded into trucks or railcars, leave the camp, but no one has seen them arrive at the gas chamber in question, nor has anyone been present at an extermination.

On the other hand, it suffices to read *The Tragedy of the Deporation* (*La Tragedie de la deportation*) (published under the direction of Olga Wormser and Henri Michel, Hachette, 1962) to see that a great number of the authors of concentration camp literature have seen convoys of the sick coming from Auschwitz and arriving at Bergen-Belsen, Neuengamme, Buchenwald, Dora, Ravensbrück, Flossenburg, etc. during the year 1943, and especially after May 1944. From Auschwitz but not only from Auschwitz: from all the concentration camps which were, in the view of the Third Reich, work camps and not extermination camps.

Explanation: a work camp, or concentration camp, which let out deportees to industrial works in the region where they were, was to be profitable. And the S.S. guard at the entrance looked to it to see that in each of them, the number of the sick who were incapable of working (the 'useless mouths' as Mme. de Beauvoir said) should not threaten this return. Every time they thought this number excessive, they had the 'self-government' of the camp, within the camp (Kapo, Vorarbeiter, bludgeon in hand) carry out regular raids, which were regular man hunts — every sick man tried to escape this because he was certain that he was going to be sent to the gas chambers.

Those who were 'selected' were sent to one or another of the above-cited camps, most often to Bergen-Belsen and Neuengamme, specially set up for the sick from all the camps. Since their companions in misfortune did not see them again they came to the conclusion that they had been sent to the gas chambers. In

the camp lingo the whole operation was delineated in the expression Himmelsfahrtkommando, kommando for departure to Heaven.

In reality not a single new item has appeared since 20th of February when the last testimony was given. Things are just as they were. We have heard witnesses caught in flagrant lies, others who have retracted what they have said, others who have told as something "seen" only what they have simply read. There was even a trip to Auschwitz — nothing came from that.

From the point of view of history this trial is bound to be a total failure and one little thing will prove it. In 1945, writing his *SS-Staat*, Eugen Kogon had found only one witness to attest to the extermination of the Jews by gas. This was a certain Janda Weiss, who lived at Brno (on the other side of the Iron Curtain) whom nobody could cross-question. Today, Prosecutor Fritz Bauer has succeeded in producing 250 before the Frankfurt Tribunal! As time goes on and as long as trials of this type are held, the number of witnesses of this kind will only grow and grow, and more and more will come from behind the Iron Curtain. Already, the majority of those at Frankfurt have come from there; they are all either communists, Jews or both.

For the next five years 500 trials are expected or are in preparation. About 15,000 persons are under lock and key and they may well be joined by many others. That is to say, they haven't finished showing us again and again that Germany is a country of barbarians, unworthy of being integrated into the community of the European people, to the great pleasure of the masters of the Kremlin and the international Zionist movement, associated in this joint enterprise for the destruction of Europe — and that is the whole problem.

Because, and I repeat, either a Europe will be created in which Germany will have her place with equal rights with the other European peoples, in which case Bolshevism will begin to recede, or Germany will be refused integration into the community of European peoples and there will never be a Europe.

To this political argument an economic one can be added: Germany, declared to be solely responsible for the Second World War, must alone pay reparations and, first of all, the wrongs the State of Israel claims to have suffered. But at 5,000 DM per victim, six million victims makes quite a stir, just for physical damages alone. And that is quite apart from what the Claims Conference which met at Brussels, 9th to 13th March 1964, decided was due to be paid to the surviving Jews as an indemnity for "material goods stolen by the Germans." And these, according to *La Terre Retrouvée* of April 14th, 1964, come to:

Germany	2 billion dollars
Poland	3 billion dollars
Rumania	1 billion dollars

Hungary	570 million dollars
France	950 million dollars
Czechoslovakia	650 million dollars
Belgium	618 million dollars
Holland	450 million dollars
Slovakia	140 million dollars
Greece	120 million dollars
	9,490 million dollars

And, in addition, the war debts which will be claimed from Germany by the Allies who conquered her, the sum of which will be fixed, according to resolutions taken at London on February 27th, 1953, on the signing of the Peace Treaty with 're-united Germany.' Yugoslavia has already stated a claim for 70 billion dollars, Greece for 20 billion . . . The others have said nothing specific yet, but nothing is lost in the waiting.

To exact from Germany such fantastic sums, which in all exceed by far the total of what was exacted at Versailles in 1919, is as much as to say that she shall revert to another Weimar Republic — or something still worse! It is another way of destroying Europe, or — to deliver her to Bolshevism.

It is, of course, not easy to get anyone to admit that such a plan exists, neither the Germans nor any other peoples. Hence these trials which are but the spring-board for that propaganda.

The vexing thing about these trials is that they are going around in circles — the more witnesses are found, the less reliable they are. So they are constantly referring back to the first testimony concerning Auschwitz, that of Rudolf Hoess. Every time the defence puts a witness on the spot, President Hoffmaier throws in his face *The Commandant of Auschwitz Speaks.*

After that everything goes on as if the defence were ignorant of the fact that Rudolf Hoess had also testified at Nuremberg on April 26th, 1946, and that after having claimed at Nuremberg (Report of the Trial, Volume XI, pp. 410 ff.) that about three million Jews had been exterminated (2,500,000 of them by gas), he wrote in the book in question (p. 239) that, at the very most, 1,130,000 persons had been interned in that camp. Or as if the defence were also ignorant of the fact that that is not the only contradiction which a comparison of the two successive testimonies by the same man reveals: like convoys of Jews 'never made up of more than 1,000 persons' (p. 229), but which, at the rate of 'five convoys a day' (p. 236) 'brought 15,000 persons to the camp every day' (p. 239); the gas chambers which Himmler gave him the order to build to physically exterminate the Jews (p. 227), but on which subject 'we were never able to get a clear and precise decision from Himmler' (p. 233); Zyklon B, which is sometimes a liquid, sometimes tablets releasing gas on contact with air; the operation of extermination itself, which 'lasts on an average of

half an hour' (p. 174) after which the doors are opened and 'the *sonderkommando* begins at once its work of clearing away the bodies' (p. 230) but the handling of Zyklon B is so dangerous that the gas chamber 'has to be aired for two days before one can go in' (p. 229). etc.

In a word, an apocryphal document: Hoess was hanged at Auschwitz on the 4th of April 1947 and he certainly will not return to protest against what he is being made to say today. Moreover, Dr. Broszat, director of the Institute of Contemporary History at Munich, stated to the court at Frankfurt last February 26th (1964), that "one could not rely on the statements of Rudolf Hoess." (*Frankfurter Allgemeine Zeitung*, February 27th, 1964).

So?

So, the accused at the Frankfurt Trial will be condemned as well as those at the 500 other trials; there will have been no proof, but . . .

But Germany will pay and that is what is essential.

What matter the means? And what matter Europe!

Israel first, and even at the price of the dissolution of Europe — or of its bolshevisation (read: slavisation), since bolshevism is only the modern form of pan-slavism, which amounts to the same thing.

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